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ABSTRACT

This report on crime and justice aims to present statistical information in a format that can be easily understood by a nontechnical audience. It uses graphics and a nontechnical format to bring together data from the Bureau of Justice Statistics, the Federal Bureau of Investigation Uniform Crime Reports, the Bureau of the Census, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and other research and reference sources. It presents national data on crime and the criminal justice system, examining the incidence of crime, characteristics of victims of crime, when and where crimes occur, characteristics of criminal offenders, the government's response to crime, juvenile and adult offenders and how they are handled, and the costs of justice. It contains additional material on homicide, robbery, and burglary; drunk driving; white-collar crime; organized crime; high technology crime; state laws that govern citizen use of deadly force; private security; police deployment; sentencing practices; forfeiture; sentencing outcomes; time served in prison and jail; facilities crowding; recidivism; the cost of crime; and privatization of criminal justice functions. A press release and brochure concerning this publication are included, as well as an order form for a slide presentation based on the document. A separately bound technical appendix provides page references to, summaries of, and supplementary statistics for each topic covered in the body of the report. (NB)

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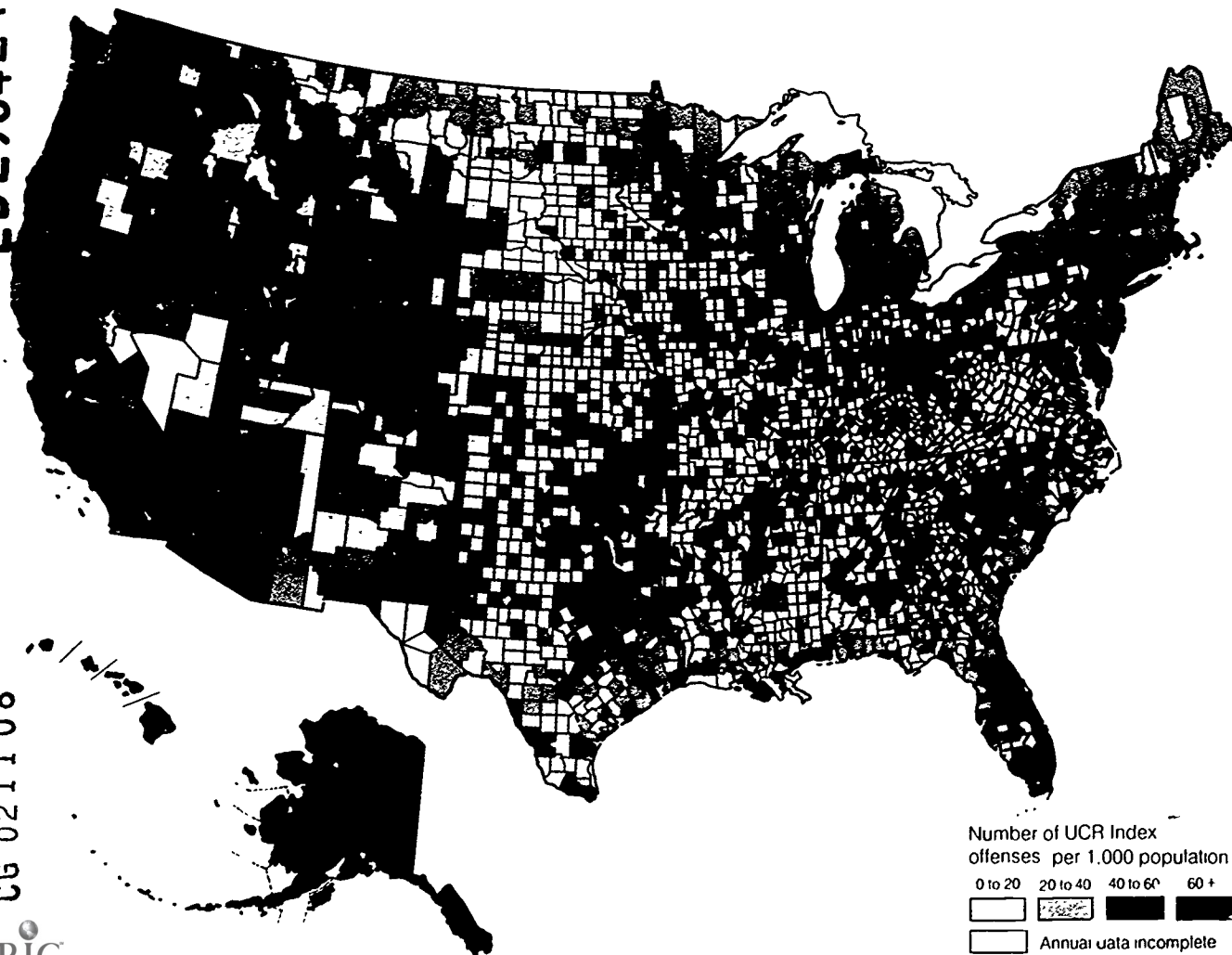
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Second edition

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How to find more information on crime and justice

This report aims to present statistical information in a format that can be readily understood by a nontechnical audience. For that reason, the explanations of methodology are limited, and bibliographic references and footnotes are brief. A separate technical appendix explains the statistical methods used, data sources, and plotting points for the graphics. The technical appendix is available from the National Criminal Justice Reference Service (NCJRS), Box 6000, Rockville, MD 20850 (toll free 800/732-3277, in the Washington, DC area 301/251-5500). Specific questions about the content of the report should be referred to the chapter authors, who may be reached through the Bureau of Justice Statistics (BJS), 633 Indiana Avenue, NW, Washington, DC 20531 (202/724-6100).

The basic sources, a short alphabetic list of references on the topics covered, are introductory rather than comprehensive. Material that references these basic sources usually is not footnoted. Most of these references and much more material on the topics covered are available from the Justice Statistics Clearinghouse of NCJRS.

Data of national scope were used wherever possible. If no national data existed, multijurisdictional data were used. Single-site data were used only when no multijurisdictional data were available. In most instances, documents explaining the collection methodology and use of these data are available from NCJRS. Public-use computer tapes of BJS data sets and other criminal justice data are available from the Criminal Justice Data Archive and Information Network, PO Box 1248, Ann Arbor, MI 48106 (313/763-5010).

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Report to the Nation on Crime and Justice

Second edition

NCJ-105506, March 1988

U.S. Department of Justice
Bureau of Justice Statistics

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Introduction

The Bureau of Justice Statistics presents this second comprehensive picture of crime and criminal justice in the United States. Relying heavily on graphics and a nontechnical format, it brings together a wide range of data from BJS's own statistical series, the FBI Uniform Crime Reports, the Bureau of the Census, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and many other research and reference sources. Because it analyzes these and other rich data sources, this report should interest the general public as well as criminal justice practitioners, researchers, and educators in our high schools and colleges.

This report presents national data on crime and the criminal justice system and it answers these and other questions: How much crime is there? Whom does it strike? When? Where? Who is the typical offender? What is the government's response to crime? How differently are juveniles handled from adults? What happens to convicted offenders? What are the costs of justice and who pays?

This edition contains additional material on such common law crimes as homicide, robbery, and burglary, drunk driving; white-collar crime; high technology crime, organized crime; State laws that govern citizen use of deadly force; private security, police deployment; sentencing practices; forfeiture; sentencing outcomes; time served in prison and jail; facilities crowding; recidivism, the cost of crime, and privatization of criminal justice functions.

Graphic excellence and clarity of expression are the hallmarks of this attempt to assist the Nation as it seeks to appreciate the enormity and complexity of the crime problem and grapple with proposals to confront it. These hallmarks, however, should not overshadow the prodigious effort and painstaking attention to detail that have gone into the report. I wish to pay tribute to the professionalism, scholarly ingenuity, resourcefulness, and dedication of those who prepared this report and of those 40 or so individuals in the U.S. Department of Justice, universities, and research organizations who carefully reviewed it.

Steven R. Schlesinger
Director
Bureau of Justice Statistics

Acknowledgments

This report is the result of a 2-year effort by many individuals in addition to the authors and contributors listed for each chapter

The original idea for this report was developed by Benjamin H. Renshaw III, Deputy Director for Management and Intergovernmental Programs, Bureau of Justice Statistics

To ensure the quality of the report, outside experts were involved in its development and review. These external reviewers were selected for their knowledge of the subject matter and their experience in presenting technical information to nontechnical audiences

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In addition, critical assistance was provided throughout the development of the report by Victoria Major and the User Services Staff of the Uniform Crime Reports Section of the Federal Bureau of Investigation, and Barbara Allen Hagen of the Office of Juvenile Justice and Delinquency Prevention. The Governments Division of the Bureau of the Census also contributed greatly throughout the development of this report. Lisa A. McNelis of the Governments Division verified all data in the report.

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The Assistant Attorney General, Office of Justice Programs, coordinates the criminal and juvenile justice activities of the following program offices and bureaus: the Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

Chapter I

The criminal event

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This chapter gives an overview of crime as it exists in our Nation with data that answer such questions as—

How are crimes defined? What are the most common serious crimes? What do we know about common law crimes such as homicide, robbery, and burglary? How much is known about drunk driving, organized crime, white-collar crime, and crimes involving high technology?

What are the two main sources of national crime statistics? What do they measure? How and why do they differ?

How much crime is there? Have crime rates gone up or down? What do different kinds of statistics tell us about crime trends?

How do people rank the seriousness of different crimes? How much agreement is there among the public about the seriousness of various crimes?

When do crimes occur?

Where do crimes occur?

What kinds of weapons are used in various types of crimes? How often are handguns used in crime?

Invaluable contributions to this chapter were made by many people within the Department of Justice, including Victoria Major and the User Services Staff of the FBI's Uniform Crime Reports Section, Cynthia J. Lent of the FBI's National Center for the Analysis of Violent Crime, David Margolis and Denise Smyler of the Organized Crime and Racketeering Section of the Criminal Division, and Anita D. Timrots of BJS. Material for the sections on drunk driving was supplied by the National Highway Traffic Safety Administration, particularly by Paul Levy, Chief of Program Evaluation, and Stephen L. Hatos of the Office of Alcohol and State Programs. Other contributors include Donn Parker, SRI International, and James Tien, Rensselaer Polytechnical Institute. Special assistance with many of the data sets was provided by Julio Borquez and Spencer Price Nash of the Inter-university Consortium for Political and Social Research at the University of Michigan.

What is crime?

Crimes are defined by law

In this report we define crime as all behaviors and acts for which a society provides formally sanctioned punishment. In the United States what is criminal is specified in the written law, primarily State statutes. What is included in the definition of crime varies among Federal, State, and local jurisdictions

Criminologists devote a great deal of attention to defining crime in both general and specific terms. This definitional process is the first step toward the goal of obtaining accurate crime statistics.

To provide additional perspectives on crime it is sometimes viewed in ways other than in the standard legal definitions. Such alternatives define crime in terms of the type of victim (child abuse), the type of offender (white-collar crime), the object of the crime (property crime), or the method of criminal activity (organized crime). Such definitions usually cover one or more of the standard legal definitions. For example, organized crime may include fraud, extortion, assault, or homicide.

What is considered criminal by society changes over time

Some types of events such as murder, robbery, and burglary have been defined as crimes for centuries. Such crimes are part of the common law definition of crime. Other types of conduct traditionally have not been viewed as crimes. As social values and mores change, society has codified some conduct as criminal while decriminalizing other conduct. The recent movement toward increased "criminalization" of drunk driving is an example of such change.

New technology also results in new types of conduct not anticipated by the law. Changes in the law may be needed to define and sanction these types of conduct. For example, the introduction of computers has added to the criminal codes in many States so that acts such as the destruction of programs or data could be defined as crimes.

What are the characteristics of some serious crimes?

Crime	Definition	Facts
Homicide	Causing the death of another person with out legal justification or excuse, including UCR crimes of murder and nonnegligent manslaughter and negligent manslaughter	<ul style="list-style-type: none">• Murder and nonnegligent manslaughter occur less often than other violent UCR Index crimes• 58% of the known murderers were relatives or acquaintances of the victim• 20% of all murders in 1985 occurred or were suspected to have occurred as the result of some felonious activity
Rape	Unlawful sexual intercourse with a female, by force or without legal or factual consent	<ul style="list-style-type: none">• Most rapes involve a lone offender and a lone victim• About 32% of the rapes recorded by NCS in 1985 were committed in or near the victim's home• 73% of the rapes occurred at night, between 6 p.m. and 6 a.m.• 58% of the victims of rape in 1985 were under 25 years old
Robbery	The unlawful taking or attempted taking of property that is in the immediate possession of another by force or threat of force	<ul style="list-style-type: none">• Robbery is the violent crime that most often involves more than one offender (in almost half of all cases in 1985)• About half of all robberies reported by NCS in 1985 involved the use of a weapon
Assault	Unlawful intentional inflicting, or attempted inflicting, of injury upon the person of another. Aggravated assault is the unlawful intentional inflicting of serious bodily injury or unlawful threat or attempt to inflict bodily injury or death by means of a deadly or dangerous weapon with or without actual infliction of injury. Simple assault is the unlawful intentional inflicting of less than serious bodily injury without a deadly or dangerous weapon or an attempt or threat to inflict bodily injury without a deadly or dangerous weapon	<ul style="list-style-type: none">• Simple assault occurs more frequently than aggravated assault• Most assaults involve one victim and one offender

What are some other common crimes in the United States?

Drug abuse violations—Offenses relating to growing, manufacturing, making, possessing, using, selling, or distributing narcotic and dangerous nonnarcotic drugs. A distinction is made between possession and sale/manufacturing

Sex offenses—In current statistical usage, the name of a broad category of varying content, usually consisting of all offenses having a sexual element except for forcible rape and commercial sex offenses, which are defined separately

Fraud offenses—The crime type comprising offenses sharing the elements of practice of deceit or intentional misrepresentation of fact, with the intent of unlawfully depriving a person of his or her property or legal rights

Drunkenness—Public intoxication, except "driving under the influence."

Disturbing the peace—Unlawful interruption of the peace, quiet, or order of a community, including offenses called "disorderly conduct," "vagrancy," "loitering," "unlawful assembly," and "riot"

Crime	Definition	Facts
Burglary	Unlawful entry of any fixed structure, vehicle, or vessel used for regular residence, industry, or business with or without force, with the intent to commit a felony or larceny	<ul style="list-style-type: none"> • Residential property was targeted in 2 out of every 3 reported burglaries, nonresidential property accounted for the remaining third • In 1985, 42% of all residential burglaries occurred without forced entry • About 37% of the no-force burglaries were known to have occurred during the day between 6 a.m. and 6 p.m.
Larceny-theft	Unlawful taking or attempted taking of property other than a motor vehicle from the possession of another, by stealth, without force and without deceit, with intent to permanently deprive the owner of the property	<ul style="list-style-type: none"> • Less than 5% of all personal larcenies involve contact between the victim and offender • Pocket picking and purse snatching most frequently occur inside nonresidential buildings or on street locations • Unlike most other crimes, pocket picking and purse snatching affect the elderly about as much as other age groups
Motor vehicle theft	Unlawful taking or attempted taking of a self propelled road vehicle owned by another, with the intent of depriving him or her of it, permanently or temporarily	<ul style="list-style-type: none"> • Motor vehicle theft is relatively well reported to the police. In 1985 89% of all completed thefts were reported • The stolen property is more likely to be recovered in this crime than in other property crimes
Arson	The intentional damaging or destruction or attempted damaging or destruction by means of fire or explosion of property without the consent of the owner or of one's own property or that of another, by fire or explosives with or without the intent to defraud	<ul style="list-style-type: none"> • Single family residences were the most frequent targets of arson • 16% of all structures where a arson occurred were not in use

Sources: BJS Dictionary of criminal justice data terminology 2nd edition 1981
BJS Criminal victimization in the US 1985 FBI Crime in the United States 1985

How do violent crimes differ from property crimes?

The outcome of a criminal event determines if it is a property crime or a violent crime. Violent crime refers to events such as homicide, rape, and assault that may result in injury to a person. Robbery is also considered a violent crime because it involves the use or threat of force against a person.

Property crimes are unlawful acts with the intent of gaining property but which do not involve the use or threat of force against an individual. Larceny and motor vehicle theft are examples of property crimes.

In the National Crime Survey a distinction is also made between crimes against persons (violent crimes and personal larceny) and crimes against households (property crimes, including household larceny)

How do felonies differ from misdemeanors?

Criminal offenses are also classified according to how they are handled by the criminal justice system. Most jurisdictions recognize two classes of offenses, felonies and misdemeanors.

Felonies are not distinguished from misdemeanors in the same way in all jurisdictions, but most States define felonies as offenses punishable by a year or more in a State prison. The most serious crimes are never "misdemeanors" and the most minor offenses are never "felonies"

Driving under the influence—Driving or operating any vehicle or common carrier while drunk or under the influence of liquor or drugs

Liquor law offenses—State or local liquor law violations, except drunkenness and driving under the influence. Federal violations are excluded.

Gambling—Unlawful staking or wagering of money or other thing of value on a game of chance or on an uncertain event

Kidnaping—Transportation or confinement of a person without authority of law and without his or her consent, or without the consent of his or her guardian, if a minor

Vandalism—Destroying or damaging, or attempting to destroy or damage, the property of another without his or her consent, or public property, except by burning, which is arson.

Public order offenses—Violations of the peace or order of the community or threats to the public health through unacceptable public conduct, interference with governmental authority, or violation of civil rights or liberties. Weapons offenses, bribery, escape, and tax law violations, for example, are included in this category

Homicide, robbery, and burglary are examples of common law crimes

Homicide

What is homicide?

Criminal homicide is defined as all deaths where a perpetrator is found to have intentionally killed someone without legal justification or to have accidentally killed someone as a consequence of reckless or grossly negligent conduct. The Uniform Crime Reports, in its Crime Index, uses the classification of murder/nonnegligent manslaughter, which is defined as intentionally causing the death of another person without extreme provocation or legal justification or causing the death of another while committing or attempting to commit another crime.

Homicide often stems from other crimes

Block found that many homicides are precipitated by another crime such as assault, robbery, rape, or burglary. Occasionally, a murder may be committed that has no motive other than the murder itself, such as a contract killing. But such homicides are infrequent.

For homicides that result from other crimes such as robbery and assault, their characteristics including time and place of occurrence and victim-offender relationship are very similar to those of the originating crime. For example, the characteristics of homicides that result from robbery are very similar to the characteristics of robbery without homicide. In addition, the characteristics of such homicides are more similar to those of the originating crime than they are to the characteristics of homicides that result from other crimes or motives.

Homicides may be instrumental or impulsive

An instrumental or premeditated homicide results from a well-planned action intended to acquire power or property. Robbery homicides tend to be instrumental because they result from robberies that are planned in advance with the goal of acquiring property.

In an impulsive homicide, the offender may intend to harm or kill the victim but without prior planning. Many assault homicides are impulsive. For example, a death may result from a fight or a brawl not planned by the offender.

Murder most often results from arguments or the commission of another felony

Murder was a result of—	Percent of all murders
Total	100%
Arguments	39%
Felony	18
Robbery	9
Narcotics	3
Sex offenses	2
Arson	1
Other	3
Suspected felony	2%
Other motive	18%
Unknown motive	23%

Source: FBI Crime in the United States 1985

Multiple murders include serial, mass, and spree murders

- Serial murders involve the killing of several victims in three or more separate events. These may occur over several days, weeks, or years and reveal a pattern, such as where the murder occurred, the type of victim, or method of killing. John Wayne Gacy, a serial murderer, planned the separate killing of 33 boys and young men in Chicago over a span of 2 to 3 years in the late 1970s. The elapsed time between murders separates serial killers from other multiple killers. Other serial murderers include Albert De Salvo (the Boston Strangler), Theodore Robert Bundy, Juan Carona, David Berkowitz (son of Sam), and Wayne Williams.

- Mass murders involve the killing of four or more victims at one location, within one event. Richard Speck's murder of eight nursing students in Chicago on one July night in 1966 is an example of a mass murder. Other examples include Charles Whitman's killing of 16 people in a sniper firing from a tower at the University of Texas on August 1, 1966, and James Oliver Huberty's killing of 21 people at a San Diego McDonald's on July 18, 1984.

- Spree murders involve killings at two or more locations with almost no time break between murders and are a result of a single event. For example, in February 1985, Daniel Remeta aided by two others was responsible for robbing and killing the manager of a Stucky's restaurant in Grainfield, Kansas. One hour later, he shot a sheriff's deputy as he tried to flag down Remeta's car. Escaping to a nearby grain elevator, Remeta shot the manager and took two hostages whom he killed before his capture a few minutes later.

The FBI assists local law enforcement agencies in solving violent crimes, particularly murder

Many local law enforcement agencies lack the special resources needed to solve rare crimes such as bizarre and vicious murders. Moreover, some violent criminals commit crimes in many different jurisdictions. Therefore, interagency coordination is essential in solving trans-jurisdictional crimes. The FBI's National Center for the Analysis of Violent Crime (NCAVC) has programs to provide special resources to local law enforcement agencies. NCAVC's Behavioral Science Unit provides training and research in criminal profiling, a process that aims to identify major personality and behavioral characteristics of the offender, based on analyses of the crime(s) committed. The NCAVC operates the Violent Criminal Apprehension Program (VCAP), a national clearinghouse for information on unsolved violent crimes, particularly murder. Local law enforcement agencies report data on unsolved violent crimes to the FBI, which analyzes the data, seeking to identify any similarities with other unsolved crimes. If similarities are noted, the participating agencies are notified so they may coordinate their investigations.

Robbery

Robbery includes theft as well as physical threat or attack

In a robbery one or more offenders use force or threaten to do so to take a person's property. Whether it is called a stickup, holdup, mugging, or robbery, this crime is feared for both its actual and possible violence. Among commonly measured crimes only homicide and rape exceed it in severity. Unlike many other violent crimes, however, robbery is similar to property crimes because it involves an attempted or completed theft of personal property.

According to the National Crime Survey, 63% of the 14,681,000 robberies between 1973 and 1984 were completed and cost \$4.4 billion in stolen cash and property. One in 3 victims were injured, 1 in 10 so seriously that they required treatment in an emergency room or hospital. Almost a quarter (23%) lost property and were injured.

The average theft loss from robbery was \$447

Value of stolen property	Percent of completed robberies
Less than \$10	18%
\$10-49	26
\$50-249	32
\$250-999	13
\$1 000 or more	6

Source: *Robbery Victims*, BJS
Special Report, April 1987

Robbery sometimes occurs along with other crimes

From 1976 to 1984 between 9% and 11% of all murders reported to UCR were linked with robbery as a circumstance or motive. Between 1973 and 1984, during the same incident, robbery victims were also victims of rape (3%), burglary (8%), or motor vehicle theft (4%).

Most robberies were committed by strangers—and half by more than one offender

According to NCS—

- Victims knew by sight or had never seen their assailants in 8 of 10 robberies committed by multiple offenders and in 7 of 10 by lone offenders
- Victimization involving black male offenders outnumbered those involving white males among multiple offenders and among single offenders.
- Most offenders robbed strangers, but single offenders were more likely to rob relatives and other persons they knew well than were multiple offenders, and they were also more likely to take property and to injure victims they knew well

Offenders displayed weapons in almost half of all robberies

- Guns were actually discharged in a fifth of all robberies
- Offenders used guns and knives most often to threaten but used weapons other than guns or knives to attack.
- When either threatening or attacking, robbers were more likely to complete the theft when they used guns.
- Victims were more likely to be injured seriously when offenders attacked with weapons, but they were more likely to sustain minor injuries when offenders used objects other than guns or knives as weapons

Robbery differs significantly from other violent crimes

- Robbery victims were much more likely than rape or assault victims to face two or more offenders
- Robbery victims generally did not know their assailants or knew them only by sight; victims of other violent crimes were less likely to be victimized by strangers
- Robbery offenders were more likely than other violent offenders to use weapons

When do robberies occur?

- Robberies in which victims were injured took place more frequently in the dark.
- Robberies with uninjured victims happened equally in daylight and darkness.
- Robberies were most likely to occur in August and December and least likely to occur in February and April.

Where do robberies occur?

- Robberies occurred most frequently on the street and next most frequently at or near the victim's home.
- A higher proportion of victims without than with injury were robbed in restaurants, commercial buildings, offices, or factories
- Victims were more likely to lose property when the incident occurred at home, perhaps because there usually are fewer chances for interruptions at home than in more public places

Robbery rates declined between 1973 and 1984

According to NCS, robbery rates declined by 15% between 1973 and 1984, but they rose in 1981 and fell in 1983. The downward trend was due to a drop in the number of attempted robberies, both with and without injured victims. The rates for completed robberies at the beginning and end of the period remained the same.

Slightly more than half of all robberies were reported to police

- 64% of all completed robberies but only 37% of attempted robberies were reported to police
- Factors increasing the likelihood that a robbery was reported to police include whether anything was stolen and, if stolen, the value of the property, whether the victim was injured and, if injured, the degree of injury, and the presence of a weapon
- When a robbery was reported to police, reasons most often given for reporting it were "to keep it from happening again or to others" and "to punish the offender"
- When a robbery was not reported, respondents most frequently gave as their reason "lack of proof, no way to find/identify offender"

Burglary

Burglary is unlawful entry usually, but not necessarily, attended by theft

Any fixed business or residential structure may be burglarized. In 1985 two of every three burglaries were residential. The entry may be by force, such as picking a lock, breaking a window, or slashing a screen; or it may be unforced, such as entry through an unlocked door or window. The National Crime Survey distinguishes among three types of household burglaries:

- **Forcible entry**—in which force is used to gain entry, for example, by breaking a window or slashing a screen
- **Attempted forcible entry**—in which force is used in an unsuccessful attempt to gain entry
- **Unlawful entry**—in which someone with no legal right to be on the premises gains entry even though force is not used

Of the 73 million burglaries during 1973–82—

- 45% were unlawful entries
- 33% were forcible entries
- 22% were attempted forcible entries

Who commits household burglaries?

Information on who commits burglaries is available only for residences where a household member was present (about 10% of all burglaries in NCS). In more than half of all such burglaries the offender was either a complete stranger or a person known by sight only. In about a fourth of the burglaries an acquaintance was the offender. Relatives, spouses, or ex-spouses were observed in 11% of the burglaries. Persons well known to the victim were more likely to be observed in unlawful entries than in burglaries involving force.

Many of the violent crimes that occur in the home are committed during an illegal entry

According to the National Crime Survey, persons who illegally enter homes commit—

- three-fifths of all rapes in the home
- three-fifths of all robberies in the home
- about a third of all aggravated and simple assaults in the home

During the 10 years 1973–82, 2.8 million such violent crimes occurred during an illegal entry.

No one is at home during most burglaries. A household member was present during only 9% of all forcible entries, 14% of all unlawful entries, and 17% of all attempted forcible entries. However, in these cases a violent crime was committed during a third of the forcible entries, during almost two-fifths of the unlawful entries, and during a seventh of the attempted entries.

Burglary results in losses from theft and property damage

The vast majority of all forcible entries and unlawful entries involve actual or attempted theft of household property. Such is not the case, however, for attempted forcible entry. An attempted theft was reported in 14% of all such incidents and a completed theft in 3%. It is likely that many victims, having only evidence of an attempted entry, such as damaged locks or broken windows, declined to speculate on the intent of the persons who tried to gain entry to their home. Property damage is most likely to occur when force is involved.

When does burglary occur?

According to NCS, burglary occurs more often in the warmer months than in the colder ones, but this pattern is more pronounced for unlawful entry than for completed or attempted forcible entry. A possible explanation for the larger seasonal fluctuation in unlawful entry is the greater tendency to leave windows and doors open during the warm months, creating an opportunity for easy entry.

A greater proportion of victims of forcible entry than of victims of unlawful entry or attempted forcible entry could identify the time of day when the intrusion took place.

For each type of burglary the distribution of incidents in which the time of occurrence was known was about evenly divided between day and night. However, victims reported that a greater proportion of attempted forcible entries than of other types occurred between midnight and 6 a.m.

What are the trends in burglary?

Unlawful entry without force was the only type of burglary in NCS that showed any discernible trend during the 10 years 1973–82. Its rate per 1,000 households declined moderately from 47 in 1973 to 39 in 1982. This slowly declining trend in unlawful entry may be a sign that people are becoming more careful about locking doors and windows to prevent these crimes.

No evidence could be found in the data that the increasing use of burglar alarms, sophisticated locks, and other security devices has had any effect on the rate of forcible entry. The rates for attempted and completed forcible entry remained extremely stable between 1973 and 1982.

The lack of evidence that burglar alarms have affected the burglary rate should not be interpreted as proof that such devices are not effective. Burglars may be avoiding homes with alarms and protective devices in communities with active crime prevention programs in favor of less protected buildings and neighborhoods. If so, the precautions that some people have taken would result in a shift of the location of the offenses that would not be reflected in the crime statistics.

Driving while intoxicated has been defined as a crime because of public concern over traffic safety

Alcohol-related accidents pose a great threat to public safety

An estimated 40% of the 43,800 traffic-related deaths in 1985 resulted from accidents that involved an alcohol level that exceeded the legal limit.¹ Another 10% of the deaths are estimated to have occurred in accidents that involved lower levels of alcohol. Both the absolute number and the proportion of alcohol-related fatal accidents are decreasing. Fewer drivers in fatal accidents are being measured at illegal alcohol levels and more of them are being measured to have no alcohol involvement.

The crime of driving while intoxicated differs from most other crimes

- Drunk driving lacks the usual criminal motives of gaining property, harming another person, or trafficking in contraband.
- Physical tests compared against a State standard are used to determine whether or not a crime has been committed
- Drunk driving offenses are often handled administratively rather than criminally through driver's licensing regulation

The States use a variety of methods to prevent and deter drunk driving

To prevent and deter drunk driving the States have used their authority to regulate alcohol and driving as well as to invoke criminal sanctions. Regulatory authority may be exercised through administrative channels. For example, a liquor store owner who sells alcohol to a minor could lose his license to sell liquor. Administrative remedies such as driver's license revocation are used for much illegal driving behavior including alcohol-related offenses.

Physical tests determine whether drivers are intoxicated

If a driver is suspected of being intoxicated, a law enforcement officer may require the driver to take a test (either a preliminary breath test or a blood test) to determine the alcohol level in his or her blood.

In most States drivers agree to take such tests when they receive their driver's license. Failure to take a test upon request is a violation of the licensing agreement and can result in automatic suspension or revocation of a driver's license. Thirty-eight States have sanctions against drivers who refuse to take the test on a first offense and 42 States have sanctions against drivers who refuse a second time in a separate incident.

The level of alcohol as measured in the blood determines whether or not a driver is intoxicated

In 39 States and the District of Columbia a driver who has a Blood Alcohol Concentration (BAC) of .10 is considered legally intoxicated. Illegal intoxication occurs at BAC levels of .08 in two States, at .12 in one State, and at .15 in one State.

The other seven States do not have an automatically illegal BAC level. Instead they use a presumptive level, where the court can assume intoxication but the defense can rebut this assumption. In all of these States the presumptive BAC level is .10. Some States have both illegal and presumptive levels that define intoxication. In these States the presumptive levels are either the same as or lower than the illegal levels.

According to the U.S. Department of Health and Human Services a person who weighs 150 lbs. and has had little or no food intake needs to consume about five ounces of 80-proof liquor in 1 hour to reach a BAC level of .10. Five ounces of alcohol is the equivalent of four 12-ounce cans of beer or four 4-ounce glasses of wine.

Recent concern about drunk driving has resulted in many changes in State laws

The public concern about drunk driving initiated by groups such as Mothers Against Drunk Driving (MADD) has inspired legislative changes. These changes have been targeted at all aspects of drunk driving from controlling alcohol consumption to criminal sanctions against drunk drivers.

Many States have changed their laws that govern the determination of intoxication for driving offenses

In 1982, 26 States set BAC levels that, if exceeded, automatically defined intoxication for driving offenses. Twenty-five States set levels that were presumptive in that a driver was assumed to be intoxicated but could rebut the assumption. By 1986, 19 States had changed their laws from presumptive levels to automatically illegal levels. Seven States continued to rely on the presumptive standard. However, the level of BAC that determined intoxication remained the same in most States from 1982-86.

States have tried to prevent drunk driving through control of alcohol consumption

- In 1982, 28 States set the age for legal purchase of some type of alcohol at 18 or 19, while in 17 States it was 21. By 1986, however, 29 States raised the drinking age, giving 44 States a legal age of 21. In 7 States the drinking age remains at 18 or 19.
- As of January 1987, 33 States had laws prohibiting consumption of alcohol in vehicles, but some apply only to drivers. Nineteen States prohibit open containers in the passenger compartment of vehicles.
- Recently, 12 States have enacted laws prohibiting "happy hours." These laws limit the sale of alcoholic beverages below the price per quantity normally charged for each beverage. Laws dealing directly with establishments that sell alcohol have also become stricter.

The Federal Government has urged States to prevent drunk driving by raising the drinking age and by other measures

Public Law 98-363 was enacted in response to the work of the President's Commission on Drunk Driving. It requires the withholding of a percentage of highway construction funds until the State raises its legal drinking age to 21. It also established a grant program for the States to encourage mandatory sentencing for Driving While Intoxicated (DWI) offenders and gives additional funds to States with computerized traffic records systems.

Organized crime includes many traditional crimes as well as offenses such as racketeering

What is organized crime?

Although organized crime has been considered a problem throughout the century, no universally accepted definition of the term has been established. The President's Commission on Organized Crime, for example, defines the criminal group involved in organized crime as "a continuing, structured collectivity of persons who utilize criminality, violence, and a willingness to corrupt in order to gain and maintain power and profit."

Some characteristics of organized crime are generally cited.

- **Organizational continuity:** Organized crime groups ensure that they can survive the death or imprisonment of their leaders and can vary the nature of their activities to take advantage of changing criminal opportunities.

- **Hierarchical structure:** All organized crime groups are headed by a single leader and structured into a series of subordinate ranks, although they may vary in the rigidity of their hierarchy. Nationwide organizations may be composed of multiple separate chapters or "families," each unit generally headed by its own leader who is supported by the group's hierarchy of command. Intergroup disputes, joint ventures, and new membership are generally reviewed by a board composed of the leaders of the most powerful individual chapters. For example, La Cosa Nostra currently is estimated to include 24 individual "families" all under the general authority of a "National Commission" comprised of an estimated nine bosses.

- **Restricted membership:** Members must be formally accepted by the group after a demonstration of loyalty and a willingness to commit criminal acts. Membership may be limited by race or common background and generally involves a lifetime commitment to the group, which can be enforced through violent group actions.

- **Criminality/violence/power:** Power and control are key organized crime goals and may be obtained through criminal activity of one type or in multiple activities. Criminal activity may be designed directly to generate "income" or to support the group's power through bribery, violence, and intimidation. Violence is used to maintain group loyalty and to intimidate outsiders and is a

threat underlying all group activity. Specific violent criminal acts include, for example, murder, kidnaping, arson, robbery, and bombings.

- **Legitimate business involvement:** Legitimate businesses are used to "launder" illegal funds or stolen merchandise. For example, illegal profits from drug sales can be claimed as legitimate profits of a noncriminal business whose accounting records have been appropriately adjusted. Legitimate business involvement also elevates the social status of organized crime figures.

- **Use of specialists:** Outside specialists, such as pilots, chemists, and arsonists, provide services under contract to organized crime groups on an intermittent or regular basis.

Organized crime groups often are protected by corrupt officials in the government and private sector

Such officials include inspectors who overlook violations, accountants who conceal assets, financial officers who fail to report major cash transactions, law enforcement officers who provide enforcement activity information to drug traffickers, and attorneys who have government witnesses intimidated to change their testimony. The public also supports organized crime by sometimes knowingly or unknowingly purchasing illegal goods and "hot" merchandise.

Organized crime groups are involved in many different activities

In addition to its well known involvement in illegal drugs, organized crime is also involved in prostitution, gambling, and loan sharking operations and has been shown to have infiltrated legitimate industries such as construction, waste removal, wholesale and retail distribution of goods, hotel and restaurant operations, liquor sales, motor vehicle repairs, real estate, and banking.

How much does organized crime cost?

A recent survey for the President's Commission on Organized Crime estimates that 1986 net income from organized crime activity ranged between \$268 billion (a low estimate) and \$677 billion (the high estimate).

The indirect costs of organized crime affect all consumers through increased consumer prices, kickbacks, protection payments, increased labor and material costs, and lack of competition in industries controlled by organized crime. Unpaid taxes on illegal activities result in higher tax burdens for legal wage earners.

Racketeer Influenced and Corrupt Organization (RICO) statutes are key tools in the fight against organized crime

The Federal RICO statute was enacted in 1970 and was amended most recently in 1986. Unlike other existing statutes that address individual criminal acts such as murder or robbery, the RICO statute was specifically designed to target the overall and continuing operations of organized crime organizations. Specifically, the act prohibits the use of racketeering activities or profits to acquire, conduct, or maintain the business of an existing organization or "enterprise." Racketeering activities are defined to include any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, dealing in narcotic or dangerous drugs, fraud, and other crimes. The act also provides for forfeiture of illegally obtained gains and interests in enterprises.

Twenty-three States had enacted RICO statutes by 1986. Most of them are very similar to the Federal statute.

The government also has other tools to fight organized crime, including witness protection programs, electronic surveillance procedures, and immunity statutes.

White-collar crime refers to a group of nonviolent crimes that generally involve deception or abuse of power

There is much debate about how to define "white-collar" crime

Reiss and Biderman define it as violations of law "that involve the use of a violator's position of significant power, influence or trust . . . for the purpose of illegal gain, or to commit an illegal act for personal or organizational gain."

Another researcher, Sutherland, defines white-collar crime as "a crime committed by a person of respectability and high social status in the course of his occupation." Edelhertz defines it as "an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage."

Although specific definitions vary, the term is generally construed to include business-related crimes, abuse of political office, some (but not all) aspects of organized crime, and the newly emerging areas of high-technology crime. White-collar crimes often involve deception of a gullible victim and generally occur where an individual's job, power, or personal influence provide the access and opportunity to abuse lawful procedures for unlawful gain.

Specific white-collar crimes include embezzlement, bribery, fraud (including procurement fraud, stock fraud, fraud in government programs, and investment and other "schemes"), theft of services, theft of trade secrets, tax evasion, and obstruction of justice.

Unlike violent crimes, white-collar crimes do not necessarily cause injury to identifiable persons

White-collar crime instead can cause loss to society in general as in cases of tax evasion, for example. For this reason, white-collar crimes, unlike violent crimes, may not always be detected and are more difficult to investigate.

Little data are available on the extent of white-collar crime

Measuring white-collar crime presents special problems.

- **No uniform definitions** exist that define either the overall scope of white-collar crime or individual criminal acts.
- **Wide variations** in commercial recordkeeping procedures make it difficult to collect and classify data on the loss.
- **Uncertainty over the legal status** of financial and technical transactions complicates the classification of data.
- **Computer technology** can conceal losses resulting from computer crimes.
- **Crimes may not be reported** to protect consumer confidence.

Almost three-fourths of the white-collar crimes prosecuted at the State level resulted in convictions

A study of 8 States and the Virgin Islands found that 12% of the white-collar crime cases that originated with an arrest and for which dispositions were reported in 1983 were not prosecuted. The study defined white-collar crimes as forgery/counterfeiting, fraud, and embezzlement.

Prosecution rates for white-collar crimes were similar to those for violent crimes (murder, rape, robbery, kidnaping, and assault), property crimes (stolen vehicles, burglary, and arson), and public order crimes (drug and weapons offenses and commercial vice). Because the study focused on white-collar crime cases that were reported through the criminal justice system, the sample does not take into account the large number of white-collar crimes that were not discovered, not reported to authorities, or did not result in an arrest.

The study also found the conviction rate for cases prosecuted to be about 74%, slightly higher than for violent crimes (66%) and public order crimes (67%) and about the same as for property crimes (76%).

About 60% of the persons convicted for white-collar crime vs. about 67% of those convicted for violent crimes were sentenced to prison. Eighteen percent of white-collar offenders sentenced to prison were sentenced to more than 1 year (about the same as persons convicted of public order offense) vs. 39% of violent offenders.

High technology has provided new opportunities for crime

High-technology procedures are used in some types of crime

Over the past decade the use of computers and advanced communication techniques for business and industrial purposes has radically altered traditional means of doing business. These changes have created an environment in which white-collar abuse of fiscal trust and responsibility can result in unusually large losses. The centralized storage of individually identifiable information has also created new opportunities for white-collar crimes that involve unlawful acquisition and disclosure of data. Manipulation of computer programs can also conceal illegal transactions and prevent, or at least postpone, discovery of loss by a victim or financial institution.

Prosecution of computer-related crimes presents special problems

- Traditional laws are not always applicable to violations that involve automated activity
- Evidence of computer abuse (and computer-generated evidence of other abuses) may not always be admissible in court.
- Investigators, prosecutors, and judges do not have the training needed to become familiar with computer terminology and procedures

So far, 47 States have enacted computer crime laws that, to some degree, define illegal activities involving computerized facilities, procedures, or information. Some of the laws also refer specifically to crimes that involve credit card transactions

Greater use of high technology has increased concern about computer crime

- In 1980 about 117 trillion dollars were transferred electronically among financial institutions in roughly 60 million wire transfer transactions, this was an increase of more than 170% over the value of transactions in 1976.
- In 1983 about 262 billion dollars were processed through automated teller machines in roughly 2.7 billion transactions. This was an increase of almost 650% over the value of funds and an increase of more than 170% over the number of automated teller machine transactions in 1982.
- White-collar crime losses to banks resulting from automated teller machine fraud during 1983 were estimated at between 70 and 100 million dollars

Automated teller machine fraud is of special concern to consumers

- In a sample study of 2,700 automated teller machine incidents that prompted a consumer complaint, about 45% were found to be fraud-related, of these, almost half resulted from unauthorized use of a lost or stolen automated teller machine card. Cards were lost or stolen in the home in 25% of these cases, and they were taken as part of a wallet or purse snatching in almost two-thirds of the cases
- Average losses to accountholders were \$255 per incident where loss was to the accountholder only. Where both the accountholder and the bank incurred losses,² average loss to the accountholder was \$74 per incident and average loss to the bank was \$365 per incident

Lost or stolen cards are used in 49% of all automatic teller machine frauds

Type of automated machine fraud	Percent of fraudulent incidents
Withdrawal-related incidents	
Unauthorized withdrawals	
Card lost or stolen	49%
Card in possession of cardholder	24
Overdraft	
Withdrawal against insufficient/bad deposit	4
Bank operations suspected to be off line or delayed	14
Deposit related incidents	
Bad deposit	
Stolen/fraudulent/uncollectible check or empty envelope	3
Bad check deposited by person other than accountholder	6
Other	1
Total	100%

Source: *Electronic fund transfer fraud*
BJS Special Report, March 1985

Uniform Crime Reports (UCR) and the National Crime Survey (NCS) are the main sources of national crime statistics

National crime statistics focus on selected crimes

The two sources, UCR and NCS, concentrate on measuring a limited number of well-defined crimes. They do not cover all possible criminal events. Both sources use commonly understood definitions rather than legal definitions of crime.

The UCR Index shows trends in eight major crimes

In 1927 the International Association of Chiefs of Police (IACP) formed a committee to create a uniform system for gathering statistics on crimes known to the police. The goal was to develop a national system of statistics that would overcome variations in the way crimes were defined in different parts of the country.

Because of their seriousness, frequency of occurrence, and likelihood of being reported to the police, seven crimes were selected as the basis for the UCR Index. This index evaluates changes in the volume of crime. Arson was added as the eighth UCR Index offense in 1978.

The NCS provides information about victims and crimes not reported to police

In 1973, to learn more about crimes and the victims of crime, the National Crime Survey began to measure crimes not reported to police as well as those that are reported. Except for homicide (which is well reported in police statistics) and arson (which is difficult to measure using survey techniques), the NCS measures basically the same crimes as the UCR. Both the UCR and NCS count attempted as well as completed crimes. NCS does not measure commercial crimes.

The portraits of crime from NCS and UCR differ because they serve different purposes and are based on different sources

These are some of the more important differences in the programs, thought to account for much of the difference in resulting statistics.

How do UCR and NCS compare?

	Uniform Crime Reports	National Crime Survey
<i>Offenses measured.</i>	Homicide Rape Robbery (personal and commercial) Assault (aggravated) Burglary (commercial and household) Larceny (commercial and household) Motor vehicle theft Arson	Rape Robbery (personal) Assault (aggravated and simple) Household burglary Larceny (personal and household) Motor vehicle theft
<i>Scope</i>	Crimes reported to the police in most jurisdictions, considerable flexibility in developing small-area data	Crimes both reported and not reported to police, all data are available for a few large geographic areas
<i>Collection method</i>	Police department reports to FBI or to centralized State agencies that then report to FBI	Survey interviews, periodically measures the total number of crimes committed by asking a national sample of 49,000 households encompassing 101,000 persons age 12 and over about their experiences as victims of crime during a specified period
<i>Kinds of information</i>	In addition, to offense counts provides information on crime clearances, persons arrested, persons charged, law enforcement officers killed and assaulted and characteristics of homicide victims	Provides details about victims (such as age, race, sex, education, income and whether the victim and offender were related to each other) and about crimes (such as time and place of occurrence, whether or not reported to police, use of weapons, occurrence of injury, and economic consequences)
<i>Sponsor</i>	Department of Justice Federal Bureau of Investigation	Department of Justice Bureau of Justice Statistics

- The UCR counts only crimes coming to the attention of the police. The NCS obtains information on both reported and unreported crime, though not necessarily all unreported crime.

- The UCR counts crimes committed against all people and all businesses, organizations, government agencies, and other victims. NCS counts only crimes against persons age 12 or older and against their households.

- The two programs, because they serve different purposes, count crimes differently in some instances. For example, if a criminal robs a victim and steals someone else's car to escape, UCR counts only the robbery, the more serious crime. NCS could count both, one as a personal crime and one as a household crime.

- Each program is subject to a variety of limitations that affect its estimate of crime. For example, an increased willingness by victims to report crimes to police could produce an apparent increase in UCR estimates, even if the "true" amount of crime remained stable. Similarly, the NCS is known to undercount crimes committed by persons related to the victim, specifically domestic violence. The result of these limitations, some of which result in overcounting crime while others result in undercounting it, serve to create differences in the estimates that the two programs produce.

How much crime is there?

In 1985 violence or theft touched about a fourth of all households

According to the NCS more than 22 million households were victimized by at least one crime of violence or theft.

- Almost 16 million households, or 18% of those in the Nation, were victimized by at least one theft during the year
- Almost 5 million, or 5%, were burglarized at least once.
- About 1% were victimized by the theft or attempted theft of a motor vehicle.
- 5% of all households had members who were victims of at least one violent crime of rape, robbery, or aggravated or simple assault

A violent crime by strangers and/or a burglary struck 8% of all households in 1985

Public opinion polls show that burglaries and violent crime by strangers are high on the list of the greatest public concerns and fears. According to NCS, 7 million US households were touched by one or more of these crimes in 1985—the household was burglarized and/or one or more of its members were raped, robbed, or assaulted by a stranger. These high-concern crimes affected 1 in 13 households in the Nation.

35 million victimizations occurred in 1985 according to NCS data

Personal crimes

Crimes of violence	
Rape	138,000
Robbery	985,000
Aggravated assault	1,605,000
Simple assault	3,094,000

Crimes of theft

Larceny with contact	523,000
Larceny without contact	12,951,000

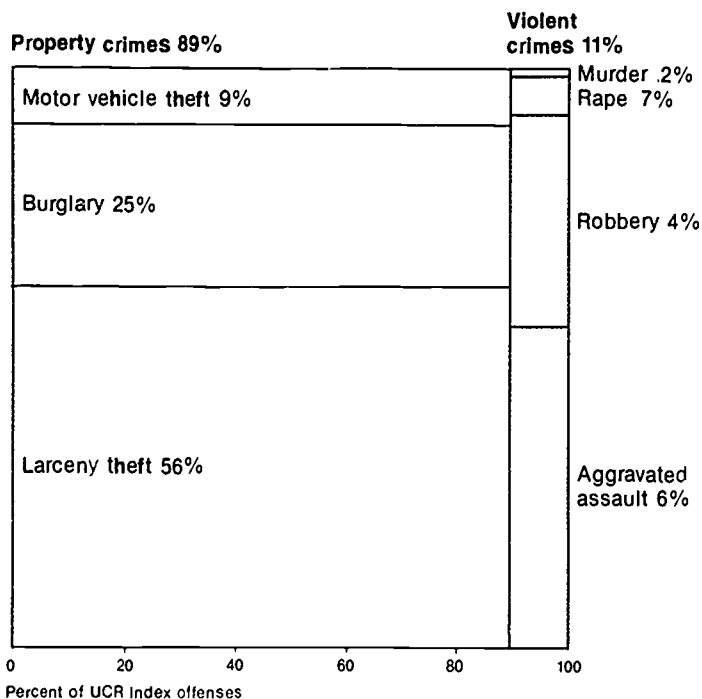
Household crimes

Burglary	5,594,000
Larceny	8,703,000
Motor vehicle theft	1,270,000

Total 34,864,000

Source: *Criminal victimization 1985*
BJS Bulletin October 1986

Property crimes outnumbered violent crimes by 9 to 1



Source: *FBI Crime in the United States 1985*

12 million UCR Index Crimes were reported to police in 1985

Violent crimes	1,327,440
Murder	18,980
Forcible rape	87,340
Robbery	497,870
Aggravated assault	723,250

Property crimes	11,102,600
Burglary	3,073,300
Larceny theft	6,926,400
Motor vehicle theft	1,102,900

Total 12,430,000

Note: Offenses may not add to totals because of rounding

Source: *FBI Crime in the United States 1985*

Businesses reported almost 1 million burglaries and over 100,000 robberies in 1985

The UCR shows that more than half the 356,096 nonresidential burglaries reported to the police in 1984 occurred at night. Eighteen percent were known to have taken place during the day. (In 31% the time of day was not known.)

In 1985 more than 100,000 completed or attempted robberies were reported to the police by stores, gas stations, banks, and other commercial establishments. Convenience stores were subjected to 26,000 robberies—about 17 times the number of gas station robberies and 4 times the number of bank robberies.

What are the trends in crime?

The various sources of crime data examine different aspects of crime and crime trends

The analysis of crime trends here uses crime rates from several different sources: the National Crime Survey, which has been conducted since 1973, the Uniform Crime Reports, which was begun in 1930; and homicide statistics from coroners' reports to the National Center for Health Statistics (NCHS), which are available from 1900. As previously discussed, each of these sources measures only specific types of crime

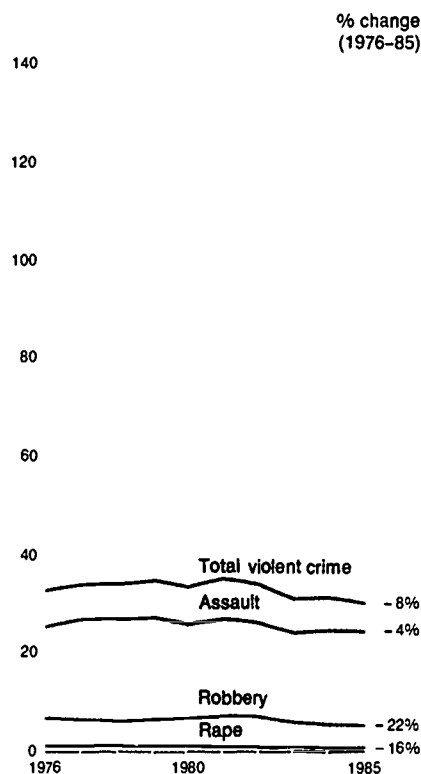
These statistical series are complementary measures of crime in much the same way that the Consumer Price Index and the Producer Price Index are complementary measures of the economy.

As previously discussed, NCS and UCR serve different purposes and use different methodologies. These differences are thought to account for a large part of the apparent divergence between NCS and UCR trends.

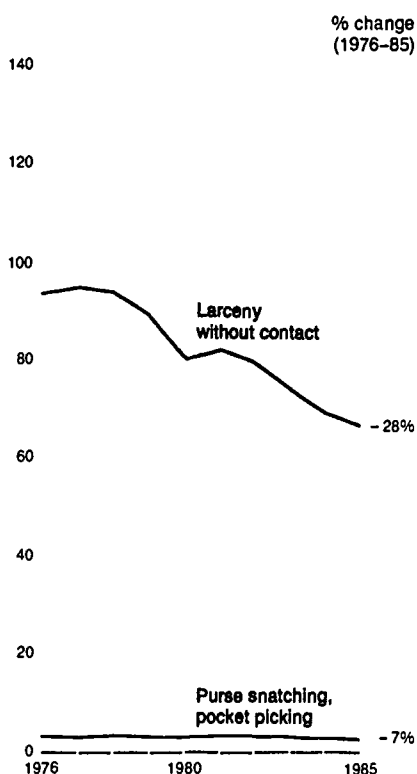
Homicide data from the NCHS provide another perspective on crime trends. UCR and NCHS data on homicide track closely, but differences in coverage and definition cause slight differences in rates. The existence of both sources and their close tracking confirms the general trends in homicide and provides a long-term perspective on violence in the United States.

Victimization rates are well below the levels of 1979

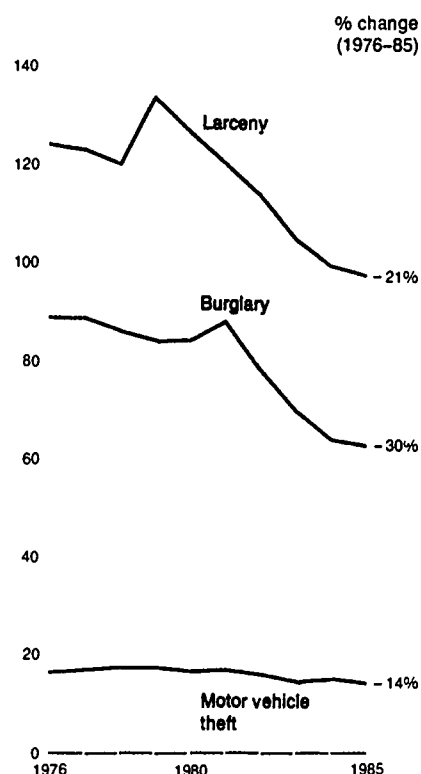
Violent crimes against persons per 1,000 persons age 12 and older



Crimes of theft against persons per 1,000 persons age 12 and older



Crimes against households per 1,000 households



Source: Criminal victimization 1985, BJS Bulletin, October 1986

The percentage of households touched by crime has declined over the past 10 years

In 1985, 25% of all U.S. households were touched by crime according to the NCS. Each of these households was victimized by at least one burglary, larceny, or motor vehicle theft, or one or more of its members were victims of a rape, robbery, or assault by strangers.

The 1985 estimate continued a downward trend that has characterized the measure since its introduction in 1975 when 32% of all American households were touched by crime.

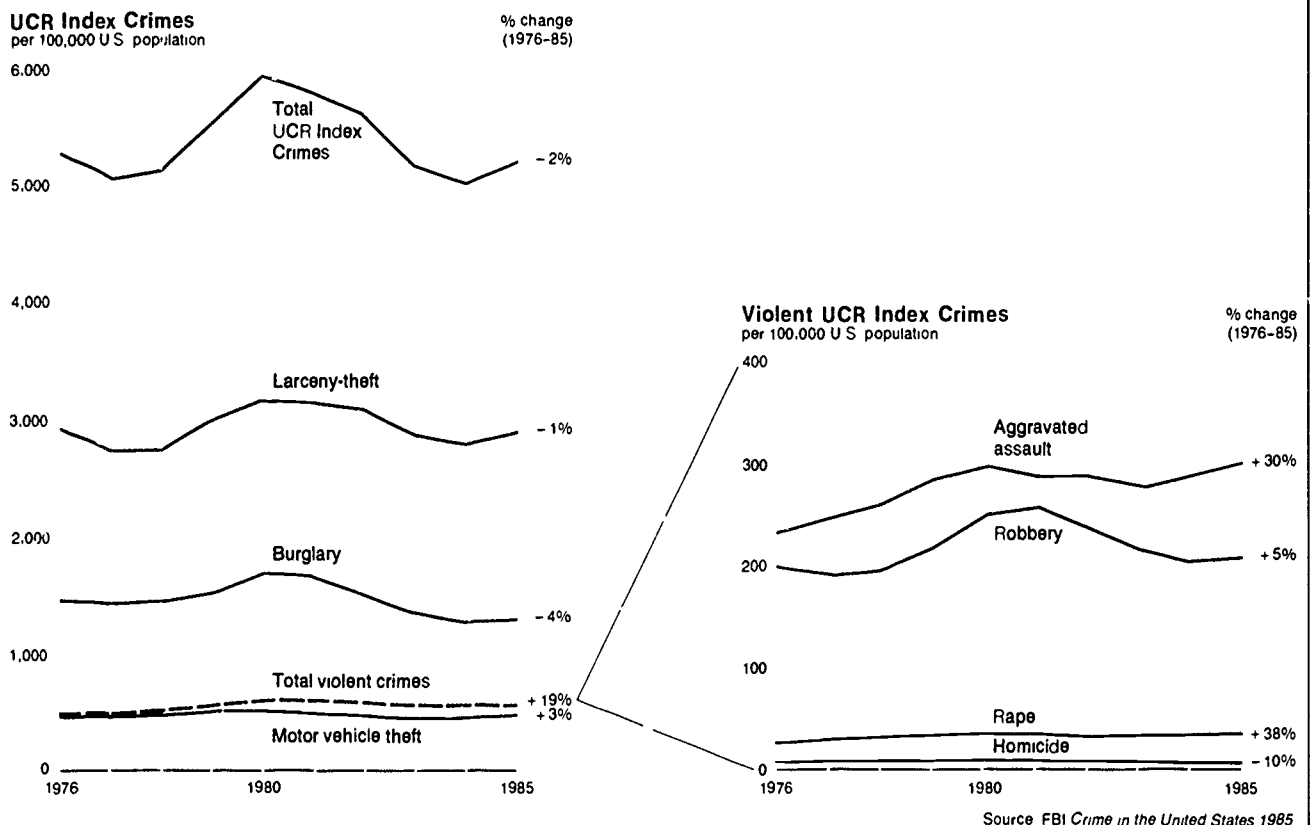
While the percentages have fallen for every type of crime measured, the declines have been the greatest for personal larceny without contact (from 16% to 12%) and burglary (from 8% to 5%).

Several different theories explain recent declines in crime rates

No one cause has been empirically found to explain the recent decline in crime. Criminologists have offered several possible explanations for the recent decline in crime, including—

- incapacitation of larger numbers of career criminals
- decreasing size of the teen and young adult population, the most crime-prone age group in society
- growth of citizen crime-prevention activities such as neighborhood watch programs.

Most UCR Index Crimes reported to the police have declined from their peak rates of 1980



Homicide statistics provide insights into long-term crime trends

To gain the best perspective, crime trends should be examined over the longest possible period. Short term trends portray only a part of the trend picture. For example, the most recent decade of homicide data from the

National Center for Health Statistics shows rates rising from 1976, peaking in 1980, and declining to levels below the 1976 rate. However, this is only part of a long-term trend apparent since 1900. Overall, three major long-term trends in homicide are evident. From 1903 to 1933 the rate rose from 1.1 to 9.7 homicides per 100,000 people. Between

1934 and 1958 it fell to 4.5. From 1961 through 1980 it rose again to 11. Many minor, short-term trends are also evident, such as the 1945-47 rise within a long-term falling trend. It is too early to tell whether the decline since 1980 is the start of a long-term declining trend or a temporary pause in the rising trend that began in 1961.

In 1980, the homicide rate was at the highest level in this century



How serious are various types of crimes?

The public's ranking of the severity of crimes was measured through a national survey

The National Survey of Crime Severity (NSCS) was conducted in 1977. It described 204 illegal events—from playing hooky from school to planting a bomb that killed 20 people in a public building. This survey of a nationwide sample of people is the largest measure ever made of how the public ranks the seriousness of specific kinds of offenses.

Severity scores were developed from the responses to the survey. Mathematical techniques were used to enable comparisons between scores. For example, a severity score of 40 is twice as serious as a score of 20.

The National Survey of Crime Severity found that many diverse groups of people generally agree about the relative severity of specific crimes

However, the severity scores assigned by crime victims are generally higher than those assigned by nonvictims. For most people, the severity of a crime of theft depends on the dollar value of the loss rather than on the background of the person making the judgment.

However, some differences were noted among different groups of people:

- The severity scores assigned by blacks and members of other racial groups (Asians, Pacific Islanders, Native Americans, etc.) were generally lower than those assigned by whites.
- Older people found thefts with large losses to be slightly more severe than did people of other age groups.

Almost everyone agrees that violent crime is more serious than property crime

However, people make distinctions about seriousness depending on the circumstances of the crime. For example, an assault is viewed as more serious if a parent assaults a child than if a man assaults his wife, even though both victims require hospitalization. These differences are greater for assaults that result in death.

How do people rank the severity of crime?

Severity score	Ten most serious offenses	Severity score	Ten least serious offenses
72.1	Planting a bomb in a public building. The bomb explodes and 20 people are killed.	1.3	Two persons willingly engage in a homosexual act.
52.8	A man forcibly rapes a woman. As a result of physical injuries, she dies.	1.1	Disturbing the neighborhood with loud, noisy behavior.
43.2	Robbing a victim at gunpoint. The victim struggles and is shot to death.	1.1	Taking bets on the numbers.
39.2	A man stabs his wife. As a result, she dies.	1.1	A group continues to hang around a corner after being told to break up by a police officer.
35.7	Stabbing a victim to death.	9	A youngster under 16 years old runs away from home.
35.6	Intentionally injuring a victim. As a result, the victim dies.	8	Being drunk in public.
33.8	Running a narcotics ring.	7	A youngster under 16 years old breaks a curfew law by being out on the street after the hour permitted by law.
27.9	A woman stabs her husband. As a result, he dies.	6	Trespassing in the backyard of a private home.
26.3	An armed person skyjacks an airplane and demands to be flown to another country.	3	A person is a vagrant. That is, he has no home and no visible means of support.
25.8	A man forcibly rapes a woman. No other physical injury occurs.	2	A youngster under 16 years old plays hooky from school.

Source: *The severity of crime*. BJS Bulletin, January 1984.

In deciding on severity people seem to take into account such factors as—

- The ability of the victim to protect him/herself. For example, when a parent beats a young child this offense is scored higher (22.9) than when a teenage boy beats his mother (15.9).
- Extent of injury and loss. For example, when death is involved scores are much higher (35.6) than when there is no hospitalization (8.5).
- For property crimes, the type of business or organization from which the property is stolen. For example, stealing a \$1,000 painting from a museum is ranked higher (9.7) than stealing \$1,000 in tools from a railroad yard (7.9).
- The relationship of the offender to the victim. For example, when a man beats his wife with his fists resulting in hospitalization the score is higher (18.3) than when the same situation occurs among three high school boys and a male classmate (11.3).

• The types of drugs used when drugs are involved. For example, selling heroin to others for resale is rated higher (20.6) than when the same offense involves marijuana (8.5), individual use of heroin is rated 6.5, marijuana 1.4.

White-collar crimes are viewed as seriously as many conventional property and violent crimes

Such crimes include fraud against consumers, cheating on income taxes, pollution by factories, pricefixing, and acceptance of bribes. For example, the score for a doctor cheating on claims he or she makes to a Federal health insurance plan for patient services (14.1) is almost three times as high as the score for forcefully robbing a victim of \$10 when no injury occurs (5.1).

When does crime occur?

The warmer months are the peak season for many types of crime

The impact of seasonality on crime rates varies from one type of crime to another, but NCS data indicate that most types of personal and household crimes are more likely to occur during the warmer months of the year. UCR data show that the number of rapes reported to the police also peaks during the summer months.

Among the possible explanations for this warm-weather trend, the most probable ones are that—

- people spend more time outdoors during these months, making them more vulnerable to some crimes
- individuals leave their homes more often during this time of year, or leave doors and windows open, making their homes more vulnerable to property crimes

Exceptions to this trend include—

- robbery, which fluctuates across months, but displays no regular pattern of high and low months from one year to another
- personal larceny of less than \$50, which shows a regular seasonal trend, but displays a drop during the summer months that is most likely from a decline in school-related thefts during the summer

Crime incidence varies with time of day

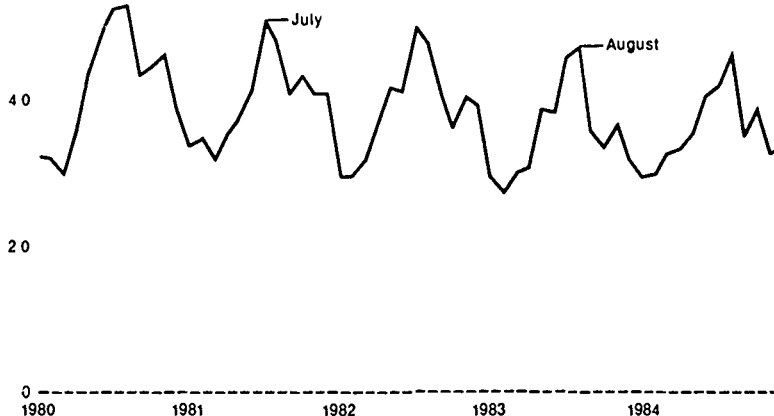
In 1985 among the crimes most likely to occur during evening or nighttime hours were motor vehicle theft (63%) and serious violent offenses such as robbery with injury (60%) and aggravated assault (58%), according to the NCS. Among the crimes least likely to happen at night were simple assault (45%), purse snatching and pocket picking (34%), and personal larceny without contact (35%).

Many people do not know when some crimes took place. However, among victims who did know, burglaries were almost equally divided between daytime and nighttime, and household larcenies were more likely to happen at night.

Some types of larceny and burglary show strong seasonal trends

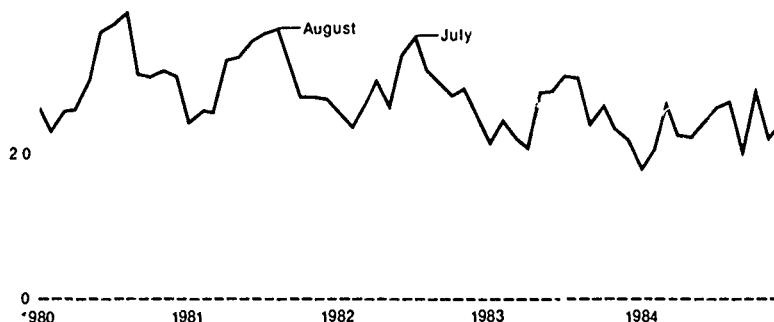
Household larcenies of more than \$50

Rate per 1,000 households



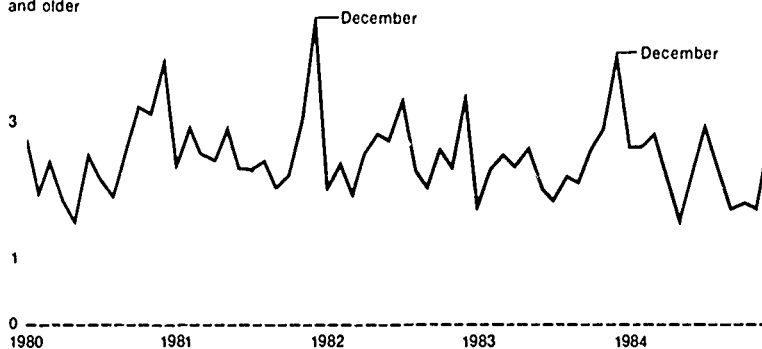
Household burglaries: Unlawful entries

Rate per 1,000 households



Personal larcenies with contact (Purse snatchings and pocket pickings)

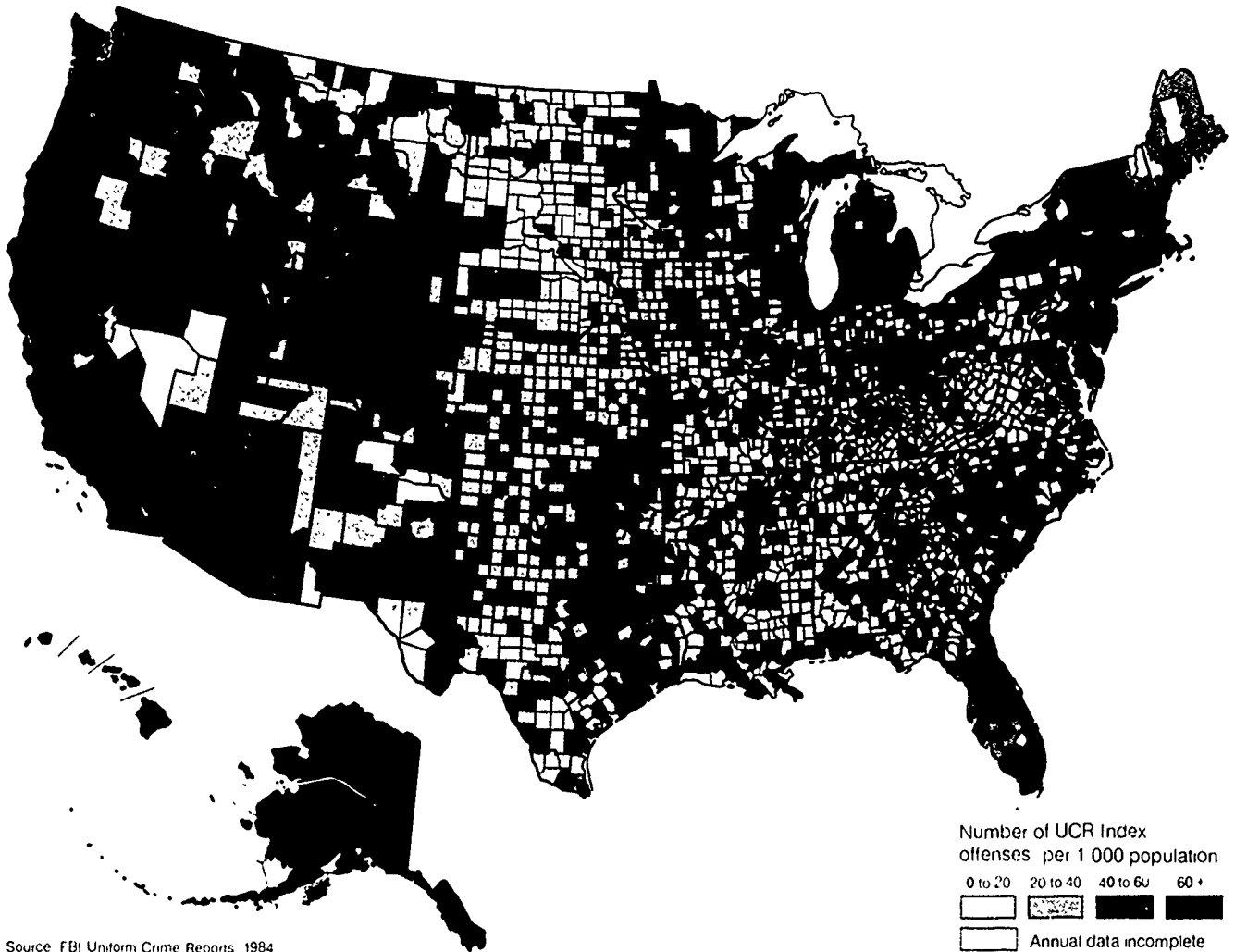
Rate per 1,000 persons age 12 and older



Source: BJS National Crime Survey, 1980-84

Where does most crime occur?

In what counties is crime most likely to occur?



Source: FBI Uniform Crime Reports 1984

Counties with the highest crime rates are diverse; those with the lowest rates tend to be rural

Many factors can account for particularly high or low county crime

- High crime rates were recorded in 1984 for a diverse set of counties. Some (such as Suffolk County, Massachusetts, and Multnomah County, Oregon) contain large urban centers. Others are resort areas (such as Alpine County, California, and Summit County, Colorado). Resort areas have a high number of transients who are not included in the resident populations that are used to compute these rates

- Rural counties are heavily represented among counties with both very high and very low per capita crime rates. There are several possible explanations for these findings. First, the populations for these counties tend to be very small, so that any change in the absolute volume of crime will greatly affect per capita crime rates. Second, geographic dispersion of rural populations and crime reporting practices may affect the perception, detection, and reporting of crimes

In some ways, the incidence of crime differs by region

In 1986 the NCS showed that—

- Households in the Northeast were least vulnerable to crime (19%), while those in the West were most vulnerable (30%). About 25% of the households in the Midwest and South were touched by crime
- Households in all regions were about as likely to have a member suffer a robbery or have a motor vehicle stolen
- Northeastern households were the least likely to be victims of a theft, burglary, or assault

Crime rates are highest in major metropolitan areas

	Number of UCR Index crime rates per 100,000 population	
	Violent Crimes	Property crimes
Metropolitan statistical areas (MSAs) Urbanized areas that include at least one city with 50,000 or more inhabitants, or a Census Bureau defined urbanized area of at least 50,000 inhabitants and a total MSA population of at least 100,000	658	5,262
Non-MSA cities Cities that do not qualify as MSA central cities and are not otherwise included in an MSA	319	4,262
Suburban areas Suburban cities and counties within metropolitan areas	341	3,883
Rural Areas	168	1,636

Source: FBI Crime in the United States 1985

What are the trends in urban, suburban, and rural crime?

According to the UCR from 1983-86—

- Increases in violent crime were greatest for suburban areas (20%) and MSAs (17%)
- Violent and property crime rates were consistently highest for MSAs, followed by the rates of suburbs and rural cities, and consistently lowest for rural areas
- Violent crime rates increased in all types of places, ranging from a rise of 9% in rural areas to an increase of 20% in suburban areas
- Property crime rates showed less change. This rate dropped in rural areas (2%). Other types of places registered an increase of no more than 5% (MSAs and suburban areas)

By far the largest number of crimes occurs in the general area where the victim lives

According to NCS—

- 88% of the violent victimizations of central city residents occurred in their central city; 73% of the violent victimizations of suburban residents occurred in their suburb, and 77% of violent victimizations of nonmetropolitan residents occurred in the same county as their residence

- Suburban dwellers are more likely to be victims of crime in their central city than are city dwellers to become victims in the suburb surrounding their cities. This may result from differences in commuting patterns
- Robbery and personal larceny with contact (purse snatching and pocket picking) are especially likely to occur in cities

Persons who live in central cities are more likely than suburban or rural residents to be victimized

Victimization rates for persons age 12 and older

Place of residence and population	Crimes of violence	Crimes of theft
Total all areas	31	77
All central cities	43	92
50,000-249,999	38	90
250,000-499,999	39	85
500,000-999,999	48	105
1,000,000 or more	48	90
All suburban areas	29	82
50,000-249,999	25	72
250,000-499,999	30	79
500,000-999,999	30	88
1,000,000 or more	33	93
Nonmetropolitan areas	22	58

* Rates are per 100 population age 12 and older. The population range categories shown under the "all central cities" and "all suburban areas" headings are based only on the central city and do not include the population of the entire metropolitan area.

Source: Locating city, suburban, and rural crime
BJS Special Report, December 1985

87% of violent crimes by strangers occurred away from the victim's home

National Crime Survey data for 1985 indicate that—

- 26% of the total number of violent crimes occurred in and around the victim's home, but 32% of all rapes occurred there
- 40% of violent crimes by persons known to the victim occurred in or near the victim's home, but only 16% of those committed by strangers occurred there.
- 84% of all household larcenies occurred near rather than inside the victim's home, partly because thefts inside the home often involve illegal entries or breakins and thus would be classified as burglaries.
- Personal larcenies with contact (such as pocket picking) occurred in a number of different settings such as on the street (23%), in commercial buildings (22%), and on public transportation (15%)

Place of occurrence	% crimes of violence (rape, robbery, assault)	% personal larceny with contact*
On street in a parking lot	36%	28%
On public transportation	1	15
Inside commercial building	7	22
Inside restaurant	6	12
Inside own home	1	3
Near own home	13	4
Inside school	9	4
Friends or neighbors home	8	3
Elsewhere	8	10
Total	100%	100%

* By definition, personal larceny without contact cannot occur in these locations. Thefts from home are household larcenies.

Source: BJS Crime victimization in the U.S. 1985, May 1987

To what extent are weapons involved in crime?

Except for homicide, most violent crimes do not involve weapons

Weapon use	Homicide	Rape	Robbery	Assault
Weapon used	93%	25%	49%	34%
Firearm	59	11	23	12
Knife	21	14	21	10
Other	13	5	13	15
None used	7%	75%	51%	66%

Note: Because some victimizations involve more than one type of weapon, totals may add to more than 100%.

Sources: *The use of weapons in committing crimes*, BJS Special Report, January 1986, and *FBI Crime in the United States 1985*.

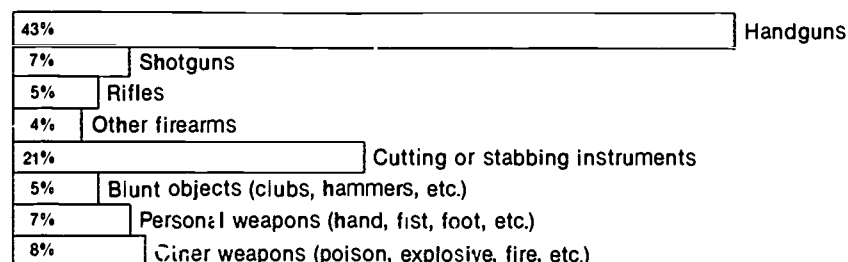
Weapons are most often used to threaten

Violent offenders may use weapons to force the victim to submit to the offenders' demands without actually assaulting the victim and causing injury. Offenders armed only with a gun actually shot victims in somewhat less than 4% of all violent victimizations and attempted to shoot the victim in 21% of such incidents; offenders armed only with knives actually stabbed victims in 10% and tried to stab victims in another 12% of all victimizations. More than half of all victimizations by offenders armed only with guns (58%) and half of all victimizations by offenders armed only with knives involved only the threat posed by the weapon itself.

Armed offenders seldom had more than one type of weapon

According to NCS, in about 93% of all victimizations between 1973 and 1982 in which offenders possessed weapons, the offenders had only one type of weapon (that is, only guns or only knives or only other objects used as weapons).

Handguns were used in 43% of all homicides in 1985



Source: *FBI Crime in the United States 1985*.

An offender's choice of weapons can affect crime completion

NCS data indicate that an offender with a gun rather than with a knife or other weapon has a greater ability to complete robberies or rapes. Offenders with guns or knives completed a higher proportion of rapes than did unarmed offenders and those armed with other weapons.

The armed assailants that victims face are more likely to be strangers than nonstrangers

In 68% of the victimizations that involved a weapon, the victim and offender were strangers rather than acquaintances (26%) or relatives (6%). Strangers were the offenders in 71% of all victimizations involving guns, 68% of all involving knives, and 65% of all involving other weapons.

Victims attacked by armed offenders were more likely than those attacked by unarmed offenders to be injured seriously

Violent victimizations involving—	Percent of violent victimizations where the victim—			
	Was attacked	Was attacked and injured	Was injured and needed medical help	Needed medical help in a hospital
Unarmed offenders:	52%	30%	10%	6%
Armed offenders:	49%	30%	15%	11%
Gun only	37	14	8	6
Knife only	43	25	14	10
Other only (rocks, bottles, sticks, etc.)	63	45	22	15
Combination of weapons	58	38	21	15

Source: *The use of weapons in committing crimes*, BJS Special Report, January 1986.

What is the relationship between injury and presence of a gun in victimization?

When guns are present victims are less likely to be injured than if the offender is armed with a knife or other weapon because guns are often used to coerce the victim into compliance, according to NCS. However, when the gun is fired injuries to the victim (if the victim survives) are often very serious. Offenders armed only with guns actually shot victims in somewhat less than 4% of all violent victimizations and attempted to snoot the victim in 21% of such incidents.

However, for victims who reported hospital stays of one night or longer, those who had been injured by guns reported an average hospital stay of 163 days compared to 72 days for incidents involving knives, 82 days for other weapons, and 66 days for injuries inflicted by an unarmed offender.

Men were more likely than women and blacks were more likely than whites to be attacked by an armed offender

- About 41% of male but only 29% of female violent crime victims between 1973 and 1982 were attacked by offenders with weapons
- More than half (51%) of all black but only 35% of white victims of violent crime between 1973 and 1982 faced offenders with weapons
- Blacks were twice as likely as whites to be confronted by an offender armed with a gun

Law enforcement officers most often are assaulted by unarmed offenders

Means of assault	% of all assaults	% resulting in personal injury
Firearm	5%	21%
Knife	3	27
Other weapon	9	41
Hands, fists, feet etc	84	34
Total	100%	100%

Note: Totals add to more than 100% because of use of multiple weapons

Source: FBI Law enforcement officers killed and assaulted 1985

However, weapons were more likely to be involved in the injury or death of law enforcement officers. Of the 78 law enforcement officers feloniously killed in the line of duty in 1985, three-fourths (58) were killed by handguns. Three officers were killed by rifles and 9 by shotguns. Eight officers died from other than firearm wounds: 1 was stabbed, 5 were struck by a vehicle, and 3 were beaten with blunt objects.

In addition, 70 law enforcement officers were accidentally killed in the line of duty in 1985. Of these, 33 died in motor vehicle accidents, 8 in aircraft accidents, and 7 officers were killed when struck by vehicles. In addition, 5 died in accidental shootings and 6 by other means such as falls or drowning.

847 bombing incidents occurred in the United States in 1985

Bombing incidents declined by 59% between 1975 and 1985, falling from 2,074 in 1975 to 847 in 1985.

- In 1985 actual bombings made up 68% of the total number of bombing incidents, 32% were attempts.
- The 847 bombing incidents in 1985 represented an increase from the 803 that occurred in the previous year.
- Personal injuries from bombings between 1975 and 1984 dropped from 326 to 144 and deaths from 69 to 28.
- In 1975 three major bombings resulted in a very high number of deaths and injuries for that year.

What is the target of bombings?

Target of bombing incidents	% of all incidents (actual and attempted)
Residences	29%
Commercial establishments	17
Vehicles	19
Schools	6
Government property (including military and postal)	5
Persons	7
Police/fire department buildings/property	2
Miscellaneous	17
Total	100%

Source: FBI Bomb summary, 1985

What is the motive in bombing incidents?

Terrorist groups claimed responsibility for 5 of the 847 bombing incidents in 1985. All 5 of these incidents were actual explosions. The three most common motives attributed to nonterrorist bombings in 1985 were animosity, mischief, and revenge. More than half of all bombings were done for unknown motives.

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Notes

¹The estimate includes drunk passengers,
bicyclists, and pedestrians, *not just drunk
drivers*

²Federal Regulation E provides that, in
general, accountholders will be liable for only
\$50 loss where ATM cards are reported
missing within 2 working days of discovery or
\$500 if card is reported missing after 2 days

Chapter II

The victim

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This chapter profiles victims of crime with data that answer such questions as—

How do crime rates compare with the rates of other life events?

Is there a relationship between the fear of crime and actual risks of victimization?

How does crime affect its victims?

What groups of people are most likely and least likely to become victims of crime?

What are the risks of becoming a victim of rape, robbery, or assault?

What kinds of households are victimized by crime?

Who are the victims of homicide?

What is the likelihood of being victimized over an entire lifetime?

How do people protect themselves from crime?

Is a person more likely to be victimized by a stranger or by a relative or acquaintance?

Why are only a third of all crimes against people and their households reported to the police?

Which States have compensation programs to help victims of violent crime?

Patrick A. Langan of BJS prepared the data on risks of various life events and on the lifetime risk of homicide. Other valuable contributions to this chapter were made by Sara E. Smith, Anita D. Timrots, Herbert Koppel, and Catherine Whitaker of BJS and by the National Organization for Victim Assistance. Assistance in verifying the information on the use of deadly force was provided by numerous people in the various States, particularly the directors of the State Statistical Analysis Centers.

The fear of crime affects many people, including some who have never been victims of crime

How do crime rates compare with the rates of other life events?

Events	Rate per 1,000 adults per year*
Accidental injury, all circumstances	242
Accidental injury at home	79
Personal theft	72
Accidental injury at work	58
Violent victimization	31
Assault (aggravated and simple)	24
Injury in motor vehicle accident	17
Death, all causes	11
Victimization with injury	10
Serious (aggravated) assault	9
Robbery	6
Heart disease death	4
Cancer death	2
Rape (women only)	2
Accidental death, all circumstances	5
Pneumonia/influenza death	3
Motor vehicle accident death	2
Suicide	2
Injury from fire	1
Homicide/legal intervention death	1
Death from fire	03

These rates approximate your chances of becoming a victim of these events. More precise estimates can be derived by taking account of such factors as your age, sex, race, place of residence, and lifestyle. Findings are based on 1982-84 data, but there is little variation in rates from year to year.

* These rates exclude children from the calculations (those under age 12-17 depending on the series). Fire injury/death data are based on the total population because no age-specific data are available in this series.

Sources: Current estimates from the National Health Interview Survey, United States, 1982; National Center for Health Statistics, "Advance report of final mortality statistics, 1983," *Monthly Vital Statistics Report*; National Center for Health Statistics, *Estimates of the population of the United States, by age, sex, and race, 1980 to 1984*; U.S. Bureau of the Census, *The 1984 Fire Almanac*; National Fire Protection Association, *Criminal victimization 1984*; BJS Bulletin, October 1985.

The chance of being a violent crime victim, with or without injury, is greater than that of being hurt in a traffic accident

The rates of some violent crimes are higher than those of some other serious life events. For example, the risk of being the victim of a violent crime is higher than the risk of death from cancer or injury or death from a fire. Still, a person is much more likely to die from natural causes than as a result of a criminal victimization.

About a third of the people in the United States feel very safe in their neighborhoods

The fear of crime cannot be measured precisely because the kinds of fears people express vary depending on the specific questions asked. Nevertheless, asking them about the likelihood of crime in their homes and neighborhoods yields a good assessment of how safe they feel in their own immediate environment.

In the Victimization Risk Survey, a 1984 supplement to the National Crime Survey, most people said that they felt at least fairly safe in their homes and neighborhoods. Yet, the people who said that they felt "fairly safe" may have been signaling some concern about crime. Based on a "very safe" response, a little more than 4 in 10 people felt entirely safe in their homes and about 1 in 3 felt totally safe in their neighborhoods—

- homeowners felt safer than renters
- people living in nonmetropolitan areas felt safer than those living in cities
- families with incomes of \$50,000 or more were most likely to report their neighborhoods were very safe from crime

The Victimization Risk Survey found that—

- 9 in 10 persons felt very or fairly safe in their places of work
- few persons—about 1 in 10—felt in danger of being a victim of a crime by a fellow employee, but persons working in places that employ more than 50 people were more likely to express fear of possible victimization

The groups at the highest risk of becoming victims are not the ones who express the greatest fear of crime

Females and the elderly generally express a greater fear of crime than do people in groups who face a much greater risk. The Reactions to Crime project found that such impressions are related to the content of information about crime. Such information tends to emphasize stories about elderly and female victims. These stories may influence women and the elderly in judging the seriousness of their own condition. Perhaps groups such as females and the elderly reduce their risk of victimization by constricting their activities to reduce their exposure to danger. This behavior would account, at least in part, for their high levels of fear and their low levels of victimization.

Relatives, friends, and neighbors who hear about a crime become as fearful as the victim

When one household in a neighborhood is affected by a crime, the entire neighborhood may feel more vulnerable. This suggests that people who have not been victimized personally may be strongly affected when they hear about how others have been victimized. The Reactions to Crime project found that indirect reaction to crime is often very strong.

How does crime affect its victims?

\$13 billion was lost from personal and household crimes in 1985

The direct cash and property losses from personal robberies, personal and household larcenies, household burglaries, and privately owned motor vehicle theft in 1985 was slightly more than \$13 billion. This NCS finding probably underestimates the amount covered by insurance because the claims of many respondents had not been settled at the time of the NCS interview.

UCR data show that in 1985 losses from reported robberies, burglaries, and larceny/theft surpassed \$5.9 billion. Among the many economic consequences of crime are lost productivity from victims' absence from work, medical care, and the cost of security measures taken to deter crime.

Other costs of crime include the economic costs of the underground economy, lowered property values, and pain and suffering of victims, their families, friends, and neighbors. A fuller discussion of the cost of crime is in Chapter V.

The economic impact of crime differs for different groups

The cost of crime is borne by all segments of society, but to different degrees. A study on the economic cost of crime using NCS data for 1981 shows that the dollar loss from crimes involving money, property loss, or destruction of property rises with income.

- Median losses were higher for households with incomes of \$15,000 or more than for households with incomes of less than \$7,500 from burglary (\$200 vs \$100) and from motor vehicle theft (\$2,000 vs \$700).

- Median losses from personal crimes were higher for blacks (\$58) than for whites (\$43).
- Median losses from household crimes were higher for blacks (\$90) than for whites (\$60).
- More than 93% of the total loss from crime was in crimes without victim-offender contact (such as burglary, theft without contact, and motor vehicle theft).

Many victims or members of their families lose time from work

Along with injuries suffered, victims or other members of their household may have lost time from work because of a violent crime. Lost worktime was reported in 15% of rapes and 7% of assaults (11% of aggravated assaults, 6% of simple assaults).

Violent crimes killed 19,000 and injured 1.7 million in 1985

NCS data for 1985 show that of all rape, robbery, and assault victims—

- 30% were injured

- 15% required some kind of medical attention
- 8% required hospital care

The likelihood of injury was—

- greater for females than males even when rape was excluded from the analysis
- about the same for whites and blacks
- greater for persons from lower than from higher income households.

Who is injured seriously enough to require medical attention?

An analysis of NCS data for 1973–82 found that—

- Female victims are more likely than male victims to be injured, but they have about the same likelihood of requiring medical attention (13% of female vs 12% of male victims).
- Blacks are more likely than whites to require medical attention when injured in violent crimes, 16% of black violent crime victims and 16% of the victims of all other racial groups required medical attention, while 11% of white victims required such care.

How seriously a victim is injured varies by type of crime

	Percent of all violent victimizations requiring			Median stay for those hospitalized overnight
	Medical attention	Treatment in hospital emergency room	Overnight hospital stay	
Rape	24%	14%	3%	4 days
Robbery	15	7	2	5
Assault	11	5	1	5
Aggravated	18	9	3	5
Simple	7	3	—	2

—less than 5%

Source: BJS National Crime Survey 1973–82

The risk of being victimized depends on a combination of factors

Who are the victims of crime?

- Victims of crime are more often men than women
- Younger people are more likely than the elderly to be victims of crime
- Blacks are more likely than whites or members of other racial groups to be victims of violent crime

- The divorced or separated and the never married are more likely than the married or widowed to be victims of crime. These differences may result from age differences of people in various marital-status groups

- Violent victimization rates are higher among persons in lower income families.

- Theft victimization rates do not differ significantly across racial categories

- Violent victimization rates are higher among unemployed persons (whether male, female, white, or black) than among employed persons in their respective groups

- Violent and theft victimization rates are higher among people who live in cities, lower among those who live in suburbs, and lowest among those who live in rural areas

- Young males have the highest violent victimization rates; elderly females have the lowest.

Victimization rates per 1,000 persons age 12 and older

	Personal crimes of			Personal crimes of			Personal crimes of	
	violence	theft		violence	theft		violence	theft
Total (U.S.)	30	69						
Sex			Family income			Race, sex, and age summary		
Male	39	75	Less than \$7,500	52	68	White males		
Female	22	65	\$7,500-\$9,999	34	63	12-15	73	111
			\$10,000-\$14,999	32	65	16-19	92	134
Age			\$15,000-\$24,999	28	68	20-24	78	116
12-15	54	108	\$25,000-\$29,999	29	69	25-34	44	87
16-19	67	122	\$30,000-\$49,999	22	76	35-49	23	66
20-24	60	108	\$50,000 or more	25	90	50-64	11	42
25-34	37	83				65 and older	5	22
35-49	20	63	Education			White females		
50-64	10	40	0-4 years	13	23	12-15	39	116
65 and older	5	19	5-7 years	35	59	16-19	47	129
			8 years	34	57	20-24	42	103
Race and origin			9-11 years	39	71	25-34	28	78
White	29	70	High school graduate	27	60	35-49	15	62
Black	38	63	1-3 years college	34	87	50-64	8	39
Other	25	73	College graduate	22	89	65 and older	3	17
Hispanic	30	60				Black males		
Non-Hispanic	30	70	Employment status (1984)			12-15	68	87
Marital status by sex			Retired	5	20	16-19	69	74
Males			Keeping house	14	35	20-24	67	100
Never married	72	112	Unable to work	17	25	25-34	60	113
Divorced/separated	57	102	Employed	32	81	35-49	31	60
Married	19	52	In school	45	110	50-64	27	48
Widowed	10	31	Unemployed	76	90	65 and older	*	21
Females						Black females		
Never married	38	102	Residence (1984)			12-15	19	74
Divorced/separated	51	84	Central city	43	85	16-19	46	54
Married	11	50	1,000,000 or more	45	80	20-24	58	70
Widowed	7	21	500,000-999,999	45	92	25-34	48	68
			250,000-499,999	37	88	35-49	20	54
			50,000-249,999	44	81	50-64	10	33
			Suburban	30	77	65 and older	*	12
			Rural	22	54			

Note: Personal crimes of violence include rape, robbery, and assault. Personal crimes of theft include larceny without contact, purse snatching, and pocket picking.

*Too few cases to obtain statistically reliable data.

Source: BJS Criminal victimization in the US, 1984 and 1985

Who are the victims of violent crime?

Violent crime is more likely to strike—

- men than women except for rape
- the young than the elderly
- people with low than with high incomes
- blacks than whites or members of other minority groups
- the divorced or separated and the never married than the married or widowed.

	Rates per 1,000 persons age 12 and older		
	Robbery	Assault	Rape
Sex			
Male	7	32	*
Female	3	17	**
Age			
12-15	9	45	*
16-19	9	55	2
20-24	10	48	2
25-34	6	30	1
35-49	3	16	*
50-64	2	8	*
65 and older	2	3	*
Race and origin			
White	4	24	1
Black	11	26	2
Other	7	17	*
Hispanic	8	22	*
Non-Hispanic	5	24	1
Marital status			
Divorced/separated	9	42	2
Never married	10	45	1
Married	2	13	0
Widowed	3	4	*
Income			
Less than \$7,500	9	41	2
\$7,500-\$9,999	7	25	1
\$10,000-\$14,999	5	26	1
\$15,000-\$24,999	5	23	*
\$25,000-\$29,999	5	24	*
\$30,000-\$49,999	4	18	1
\$50,000 or more	3	21	*
Employment status (1984)			
Employed	6	26	1
In school	9	33	3
Keeping house	3	10	1
Retired	2	3	*
Unable to work	5	11	*
Unemployed	17	56	3
Residence (1984)			
Central city	11	31	1
Suburban	5	24	1
Rural	3	19	1

What kinds of households are the victims of crime?

Household crime rates are higher for households—

- headed by blacks than those headed by whites or members of other racial groups
- headed by younger people
- with six or more people
- headed by renters than those headed by home owners
- in the central cities than those in suburbs or rural areas.

	Rates per 1,000 households		
	Household burglary	Larceny	Motor vehicle theft
Age of household head			
12-19	213	224	18
20-34	83	137	21
35-49	69	110	15
50-64	48	75	13
65 and older	33	41	5
Race or origin of household head			
White	60	95	13
Black	83	120	22
Other	45	88	17
Hispanic	85	127	23
Non-Hispanic	62	96	14
Income			
Less than \$7,500	86	98	11
\$7,500-\$9,999	60	101	15
\$10,000-\$14,999	67	101	14
\$15,000-\$24,999	59	104	14
\$25,000-\$29,999	54	95	13
\$30,000-\$49,999	58	99	16
\$50,000 or more	56	104	21
Number of persons in household			
One	53	62	10
2-3	61	92	14
4-5	75	136	18
6 or more	78	173	17
Form of tenure			
Home owned or being bought	50	83	11
Home rented	84	123	19
Place of residence (1984)			
Central city	87	129	22
1,000,000 or more	85	97	35
500,000-999,999	81	138	20
250,000-499,999	90	144	22
50,000-249,999	91	142	13
Outside central city (suburban)	56	97	16
Nonmetropolitan (rural)	53	76	8

Source: BJS *Criminal victimization in the U.S. 1984 and 1985*

*There were too few cases to obtain statistically reliable data.

**This rate based on women only; the rate based on the total population is 1.

Source: BJS *Criminal victimization in the U.S. 1984 and 1985*

Who are the victims of homicide?

What are the characteristics of homicide victims?

- Homicide victims are more often men than women.
- Persons aged 25-34 are the most likely to be homicide victims
- Blacks are five times more likely than whites to be homicide victims

Victim characteristics	Homicides in 1985	Number per 100 000 inhabitants
Total including unknown characteristics	17 545	7
Sex		
Male	13,015	11
Female	4 511	4
Age		
Under 1 year	190	5
1-14	690	1
15-24	4 081	10
25-34	5 370	13
35-44	3 087	10
45-54	1 576	7
55-64	1 120	5
65 and older	1 048	4
Unknown age	383	
Race		
White	9 789	5
Black	7 294	24
Other	365	5

Sources: FBI *Crime in the United States 1985: Estimates of the population of the United States by age, sex, and race 1980-85*. U.S. Bureau of the Census

What is your lifetime risk of being a homicide victim?

Lifetime risk of homicide

1 out of:

179 White males
30 Black males
495 White females
132 Black females

Source: Updated data based on similar material from *The risk of violent crime*. BJS Special Report, May 1985

Homicide is one of the 15 most frequent causes of death

Percent of deaths by age at death

All ages		1-14		15-24		25-34	
39.1%	Heart disease	45.2%	Accidents	53.5%	Accidents	34.2%	Accidents
21.4	Malignant neoplasms	11.0	Malignant neoplasms	13.6	Homicide	14.5	Homicide
8.7	Cerebrovascular disease	8.4	Congenital anomalies	10.7	Suicide	11.8	Suicide
5.4	Accidents	3.9	Homicide	5.5	Malignant neoplasms	10.1	Malignant neoplasms
2.9	Bronchitis, asthma, and emphysema	3.5	Heart disease	2.5	Heart disease	6.1	Heart disease
2.8	Pneumonia and influenza	2.4	Pneumonia and influenza	1.2	Congenital anomalies	2.5	Liver disease and cirrhosis
1.8	Diabetes	1.5	Meningitis	9	Cerebrovascular disease	1.9	Cerebrovascular disease
1.6	Liver disease and cirrhosis	8	Cerebrovascular diseases	7	Pneumonia and influenza	1.1	Diabetes
1.5	Atherosclerosis	8	Meningococcal infection	3	Bronchitis, asthma, and emphysema	1.1	Pneumonia and influenza
1.4	Suicide	8	Suicide	3	Anemias	1.0	Congenital anomalies
1.2	Homicide	8	Anemias	3	Benign neoplasms	5	Nephritis and and nephrosis
9	Nephritis and nephrosis	8	Benign neoplasms	3	Diabetes	4	Bronchitis, asthma, and emphysema
5	Septicemia	7	Bronchitis, asthma, and emphysema	2	Liver disease and cirrhosis	4	Benign neoplasms
4	Hypertension	6	Septicemia	2	Complications of pregnancy	3	Complications of pregnancy
3	Benign neoplasms	5	Perinatal conditions	2	Nephritis and nephrosis	3	Anemias
Total deaths	1 943 747		18 876		49 027		50 240
35-44		45-54		55-64		65 and over	
21.3%	Malignant neoplasms	30.8%	Heart disease	36.7%	Heart disease	44.4%	Heart disease
19.6	Heart disease	30.8	Malignant neoplasms	32.4	Malignant neoplasms	19.3	Malignant neoplasms
16.4	Accidents	6.7	Accidents	4.8	Cerebrovascular disease	10.9	Cerebrovascular disease
6.7	Suicide	5.3	Liver disease and cirrhosis	3.2	Bronchitis, asthma, and emphysema	3.4	Pneumonia and influenza
6.6	Homicide	4.3	Cerebrovascular disease	3.2	Accidents	3.2	Bronchitis, asthma, and emphysema
6.0	Liver disease and cirrhosis	2.7	Suicide	3.1	Liver disease and cirrhosis	2.1	Atherosclerosis
3.7	Cerebrovascular disease	1.9	Homicide	2.0	Diabetes	1.9	Diabetes
1.5	Pneumonia and influenza	1.7	Bronchitis, asthma, and emphysema	1.4	Pneumonia and influenza	1.9	Accidents
1.5	Diabetes	1.6	Diabetes	1.2	Suicide	1.0	Nephritis and nephrosis
7	Bronchitis, asthma, and emphysema	1.3	Pneumonia and influenza	7	Nephritis and nephrosis	7	Liver disease and cirrhosis
6	Nephritis and nephrosis	6	Nephritis and nephrosis	5	Homicide	5	Septicemia
6	Congenital anomalies	4	Benign neoplasms	4	Septicemia	5	Hypertension
5	Benign neoplasms	4	Septicemia	4	Benign neoplasms	3	Stomach ulcers
4	Septicemia	3	Hypertension	4	Atherosclerosis	3	Suicide
3	Hypertension	3	Congenital anomalies	3	Hypertension	3	Hernias
Total deaths	58 410		133 157		292 181		1 341 848

Source: Fifteen leading causes of death, by age group 1983. Center for Disease Control. *Homicide surveillance*. U.S. Department of Health and Human Services. November 1986

What is the likelihood of victimization over an entire lifetime?

At current crime rates, almost everyone will be a victim of crime during his or her lifetime

- An estimated five-sixths of us will be victims of attempted or completed violent crimes during our lives. The risk is greater for males than females and for blacks than whites.
- Many of us will be victimized more than once. Most of us will be victims of personal larceny three or more times

	Percent of persons who will be victimized by crime starting at age 12			
	Total	Number of victimizations		
	One or more victimizations	One	Two	Three or more
Violent crimes, total*				
Total population	83%	30%	27%	25%
Male	89	24	27	38
Female	73	35	23	14
White	82	31	26	24
Male	88	25	27	37
Female	71	36	22	13
Black	87	26	27	34
Male	92	21	26	15
Female	81	31	26	24
Violent crimes, completed*				
Total population	42%	32%	9%	2%
Male	48	34	11	3
Female	36	28	6	1
White	41	31	8	2
Black	53	35	13	4
Rape				
Total female	8%	8%	—	—
White	8	7	—	—
Black	11	10	1	—
Robbery				
Total population	30%	25%	5%	1%
Male	37	29	7	1
Female	22	19	2	—
White	27	23	4	—
Black	51	35	12	4
Assault				
Total population	74%	35%	24%	15%
Male	82	31	26	25
Female	62	37	18	7
White	74	35	24	16
Black	73	35	25	12
Robbery or assault resulting in injury				
Total population	40%	30%	7%	2%
Personal theft				
Total population	99%	4%	8%	87%
Male	99	3	8	88
Female	99	4	10	84
White	99	4	9	87
Male	99	3	8	88
Female	99	4	10	86
Black	99	5	12	81
Male	99	5	10	84
Female	98	7	15	76

Note: Except where noted, includes attempts
 — Less than .5%
 * Includes rape, robbery, and assault

Source: *Lifetime likelihood of victimization*, BJS Technical Report, March 1987

With advancing age, the chance of becoming a victim of a violent crime declines more rapidly than life expectancy

For example, at age 60 average life expectancy is nearly half as long as at 30, but a person of 60 is only about a fourth as likely as a 30-year-old to become a victim of violent crime during the rest of his or her life. Similarly, people of age 30 are five times likelier than people of age 60 to be injured in a robbery or assault over the remaining course of their lives. Personal theft differs from violent crime in that the chances of being victimized are about proportional to remaining life expectancy.

Over a span of 20 years, most households will be victimized by burglary or larceny

	Percent of households that will be victimized in a 20 year period		
	Burglary	Larceny	Motor vehicle theft
All households	72%	89%	19%
Urban	80	93	27
Suburban	70	90	20
Rural	64	82	11

Source: *Lifetime likelihood of victimization*, BJS Technical Report, March 1987

Many households will be victimized more than once in 20 years

- More than a third of all households and almost half of all urban households will be victims of two or more burglaries
- Almost two-thirds of all households will be victims of two or more household larcenies
- 2% of all households will incur more than one motor vehicle theft

How do people protect themselves from crime?

About a third of all households have taken at least one measure to prevent crime

The Victimization Risk Survey in 1984 inquired in households about what measures had been taken to prevent crime. Of the households that responded—

- 25% had engraved valuables to facilitate identification
- 7% had participated in a neighborhood watch program
- 7% had installed a burglar alarm.

Households in which occupants felt unsafe or only fairly safe were more likely to have taken at least one measure to prevent crime than those that felt their neighborhood was very safe from crime

High-income households were more likely than low-income households to take such measures. About half of the households with yearly incomes of \$50,000 or more and 22% of those with incomes of less than \$7,500 had taken at least one preventive measure

Many businesses employ security measures

Two-thirds of employed respondents to the Victimization Risk Survey reported at least one security measure in their place of work. The security measures cited most often were—

- a receptionist to screen persons entering the work place (42%)
- a burglar alarm system (33%)
- guards or police (30%)

Businesses with 50 or more employees are more likely than smaller ones to use security measures. Workers in manufacturing are most likely to have security measures at the workplace, those in agriculture, forestry, fisheries, mining, or construction were the least likely to have them

One family in five lives in an area with a neighborhood watch program

Overall, 38% of the households in areas with neighborhood watch take part in the program. Families with yearly incomes of \$25,000 or more were more likely than those with incomes of less than \$10,000 to participate. Nearly twice as many homeowners as renters participate. About 44% of single-family homes but only 16% of the 10-or-more-household buildings participate.

One in four central city families but only one in five suburban families and one in eight nonmetropolitan families live in a neighborhood with a crime watch program. However, nonmetropolitan families are somewhat more likely than central city families to take part in the watch programs that exist in their neighborhoods

How do victims of violent crime protect themselves?

Victim response*	Percent of victims who used self protection by type of crime*		
	Rape	Robbery	Assault
Weapons use			
Used or brandished gun or knife	3%	4%	4%
Physical force			
Used or tried physical force	29	22	23
Verbal response			
Threatened, argued, reasoned etc. with offender	19	10	16
Attracting attention			
Tried to get help, attract attention, scare offender away	18	13	10
Nonviolent evasion			
Resisted without force, used evasive action	13	14	23
Other	1	2	3
No self-protective actions	18	37	22
Total	100%	100%	100%
Number of victimizations	1,206,755	8,484,516	36,269,845

*Victim self protective responses are listed in the table in order of assertiveness. If victims indicated that they took more than one type of action, only the most assertive action was used in the analysis. Percentages may not sum to 100% because of rounding.

• Rape victims are more likely than victims of other violent crimes to use force, try a verbal response, or attract attention, and they are less likely than the others to use a gun or knife, use nonviolent evasion, or do nothing to protect themselves

• Robbery victims are the least likely to try to talk themselves out of being victimized and the most likely to do nothing

• Assault victims are the least likely to attract attention and the most likely to attempt some form of nonviolent evasion

• Compared with simple assault victims, aggravated assault victims are more likely to use a weapon, less likely to use other means of force, less likely to try to talk themselves out of the incident, and less likely to do nothing to defend themselves. The fact that weapons are used more frequently by victims of aggravated assault than by victims of any other violent crime leads to the suspicion that some of these victims may have played a part in causing the incident

In all States, citizens may use deadly force if they reasonably believe their life is in danger

However, the danger must be imminent and immediate. For example, if an intruder in a dwelling pulls a gun, a confronted person has reason to assume he or she is in imminent and immediate danger of losing his or her life. If the same person encounters the intruder peacefully, several hours after leaving home, no imminent and immediate danger would exist, so deadly force at that time would not be justified. In most States, if the assailant is provoked, the use of deadly force is not justified.

In some circumstances, citizens may use force or deadly force to protect their surroundings, their belongings, or a third party

Whether or not a citizen is legally entitled to use deadly force to protect his or her dwelling varies from State to State. In some States, forced entry is enough to indicate that an inhabitant is in imminent and immediate danger that justifies deadly force. In other States, the intruder would have to attack directly or threaten an inhabitant before deadly force would be justified. Generally, a trespasser is not considered to pose a direct threat to life. Therefore, deadly force against a trespasser is not usually justified.

If an assailant is attacking a third party, a citizen may be justified in using deadly force if the third party is in imminent and immediate danger of losing his or her life, provided the third party did not provoke the attack.

In most States, a citizen is *not* justified in using deadly force to protect property. However, some States do allow the use of some type of physical force to protect property.

Each State distinguishes when a citizen may use deadly force as compared to physical force. Deadly force usually refers to any force that is intended to cause death or serious physical injury. Physical force refers to all force directed to another person including confinement but is not intended to be lethal.

State laws define the circumstances in which citizens may be justified in using deadly force

State	Even if life is not threatened, deadly force may be justified to protect		Specific crime against which deadly force may be justified
	Dwelling	Property	
Alabama	Yes	No	Arson, burglary, rape, kidnaping, or robbery in "any degree"
Alaska	Yes	No	Actual commission of felony
Arizona	Yes	No	Arson, burglary, kidnaping, aggravated assaults
Arkansas	Yes	No	Felonies as defined by statute
California	Yes	No	Unlawful or forcible entry
Colorado	Yes	No	Felonies, including assault, robbery, rape, arson, kidnaping
Connecticut	Yes	No	Any violent crime
Delaware	Yes	No	Felonious activity
DC	Yes	No	Felony
Florida	Yes	No	Forcible felony
Georgia	Yes	Yes	Actual commission of a forcible felony
Hawaii	Yes	Yes	Felonious property damage, burglary, robbery, etc.
Idaho	Yes	Yes	Felonious breaking and entering
Illinois	Yes	Yes	Forcible felony
Indiana	Yes	No	Unlawful entry
Iowa	Yes	Yes	Breaking and entering
Kansas	Yes	No	Breaking and entering including attempts
Kentucky	No	No	—
Louisiana	Yes	No	Unlawful entry including attempts
Maine	Yes	No	Criminal trespass, kidnaping, rape, arson
Maryland	No	No	—
Massachusetts	No	No	—
Michigan	Yes	No	Circumstances on a case by case basis
Minnesota	Yes	No	Felony
Mississippi	Yes	—	Felony including attempts
Missouri	No	No	—
Montana	Yes	Yes	Any forcible felony
Nebraska	Yes	No	Unlawful entry, kidnaping, and rape
Nevada	Yes	—	Actual commission of felony
New Hampshire	Yes	—	Felony
New Jersey	Yes	No	Burglary, arson, and robbery
New Mexico	Yes	Yes	Any felony
New York	Yes	No	Burglary, arson, kidnaping, and robbery including attempts
North Carolina	Yes	No	Intending to commit a felony
North Dakota	Yes	No	Any violent felony
Ohio	—	—	—
Oklahoma	Yes	No	Felony within a dwelling
Oregon	Yes	—	Burglary in a dwelling including attempts
Pennsylvania	Yes	—	Burglary or criminal trespass
Rhode Island	Yes	—	Breaking or entering
South Carolina	No	No	—
South Dakota	Yes	—	Burglary including attempts
Tennessee	Yes	No	Felony
Texas	Yes	No	Burglary, robbery, or theft during the night
Utah	Yes	—	Felony
Vermont	Yes	—	Forcible felony
Virginia	No	No	—
Washington	No	No	—
West Virginia	Yes	No	Any felony
Wisconsin	No	No	—
Wyoming	No	No	—

Note: This table provides a summary of State statutes and should not be used by citizens in planning their protection. Legal advice that considers the specific situation and the State statute is advised.

Source: BJS update as of December 1986 based on data from Ronald Crutched (New York) Stein and Day 1983)

— No specific reference indicated in the statute

What is the relationship between victim and offender?

The victim-offender relationship is not known for most crimes

Victim observations about the offender can be obtained only from confrontational crimes such as rape, robbery, and assault. The victim is usually absent during such crimes as burglary, motor vehicle theft, and some forms of larceny. The NCS reports victim observations for violent crimes. In 1985 the relationship between victim and offender was known in about 17% of the victimizations.

Police investigations also identify many offenders. However, in UCR the victim-offender relationship is recorded only for homicide and agencies are able to report only on offenders who have been identified.

People are particularly fearful of being victimized by strangers, but assailants are often well known to their victims

Victims and their assailants may—

- be strangers to one another
- know one another by sight only
- be friends or acquaintances
- be related

The NCS defines—

- crime by strangers as any crime by persons identified by the victim as "strangers" or by those identified as "known by sight only"
- nonstranger crimes as those committed by acquaintances, friends, family members, or other relatives

In 1985 NCS estimated that—

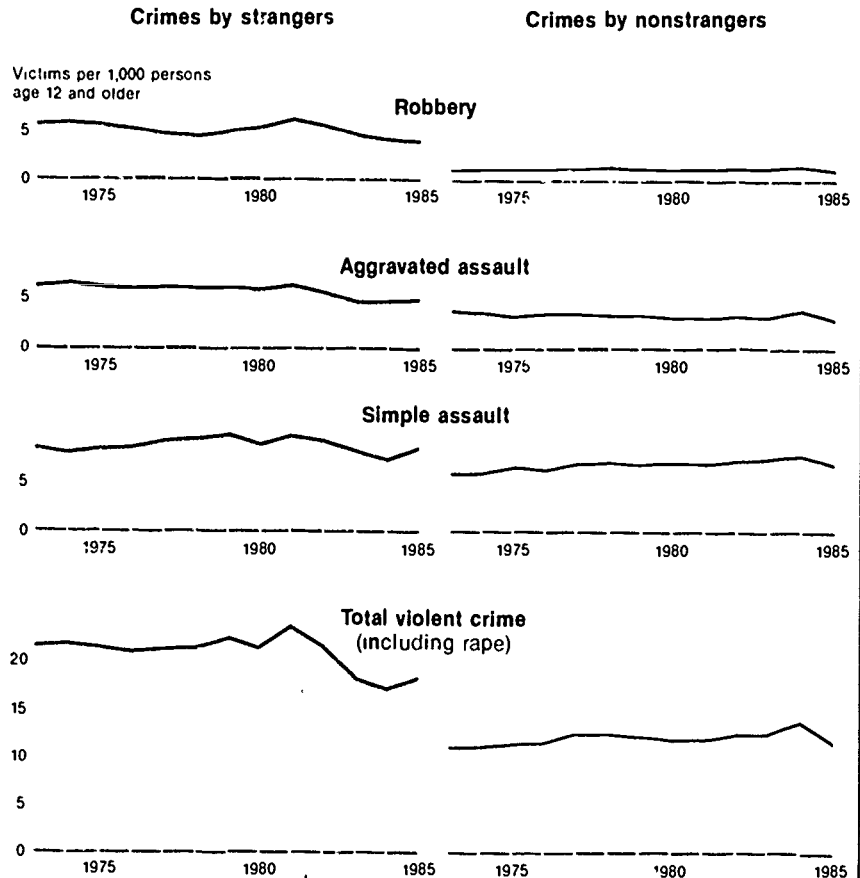
- more than 35 million violent crimes were committed by strangers
- 2.3 million were committed by non-strangers

The victim-offender relationship is not the same for all crimes

- Persons known to their victims commit more than half of all homicides
- Strangers commit three-quarters of all robberies and half of all assaults.

Victim offender relationship	Homicide	Robbery	Assault
Stranger	18%	75%	51%
Acquaintance	39	17	35
Relative	18	4	10
Unknown	26	4	4

Strangers commit most violent crimes, especially robbery



Source: BJS Criminal victimization in the U.S., 1973-85

Males and the elderly face the greatest risk of being victimized by a stranger

Of the violent crimes by strangers—

- 70% were against males
- 30% were against females

Women were more vulnerable than men to assaults by relatives. Of assaults by relatives—

- 72% were against females
- 23% were against males

The elderly were more likely than younger persons to have been victimized by strangers. For example, strangers committed—

- two-thirds of the violent crimes against persons age 65 or older
- less than half the crimes against persons under age 20

Characteristics of crimes by strangers tend to differ from those by nonstrangers

- Crimes by strangers more often involved two or more offenders

- Most crimes by relatives and acquaintances occurred in or near the victim's home, but most crimes by strangers occurred on the street.

- Crimes by strangers more often involved a weapon but less often resulted in an attack. Crimes by relatives more often involved an attack and injury than crimes by strangers or acquaintances.

- Victims of violent crime by a relative were more likely to try to get help or frighten the offender but were less likely to use physical force than were victims of strangers or acquaintances.

- Of those injured, victims of crimes by strangers or acquaintances were more likely to require medical attention than victims of crimes by relatives

Some family crimes are difficult to measure

Some crimes, such as spouse and child abuse, are difficult to measure. Attempts have been made to measure these crimes, but the estimates often vary greatly from study-to-study, depending on how violence is defined, the study's sample size, and the methodology used to collect the data

Almost 500,000 cases of family violence are reported to the National Crime Survey each year. The NCS underestimates the prevalence of crime by nonstrangers—especially crime by family members—because some victims cannot or will not tell the survey interviewer about the crime

- Victims may be unwilling to discuss an incident if the offender is present during the interview
- Many victims of family violence do not view their victimizations as crimes
- Victims may feel ashamed or embarrassed to talk about a violent crime involving another family member or a friend
- Some victims regard victimizations by nonstrangers as a private or a personal matter

Other studies estimate the level of family violence to be much higher than that reported by the NCS

- Straus, Gelles, and Steinmetz estimated that between 18 and 57 million couples experienced violence annually¹
- The American Humane Society found that 1,713,000 cases of child abuse were reported to authorities in 1984²

Which family members commit the most violent crimes?

Relationship	Percent of family violence victimizations
Total by all relatives	100%
Spouses or ex spouses	57
Parents	6
Children	4
Brothers or sisters	9
Other relatives	24

Source: Family violence: BJS Special Report April 1984

Divorced or separated women are more likely than married women to report being victims of violent crime by a nonstranger

A study of family violence using the National Crime Survey shows that in almost three-fourths of spouse-on-spouse assaults the victim was divorced or separated at the time of the incident. Assaults against married females are more likely to be underreported than those against other women

About 90% of all violent crimes against a spouse or ex-spouse were committed by men

About a fourth of the persons attacked by a spouse or ex-spouse said they had been the victim of at least three similar crimes in the previous 6 months

What is the racial composition of victim-offender relationships?

	Number of single offender violent victimizations
White victim	
White offender	2 737.770
Black offender	568.120
Black victim	
Black offender	502.400
White offender	60.770

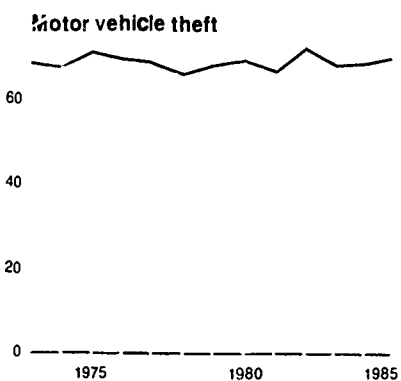
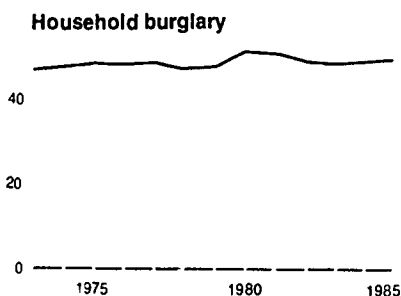
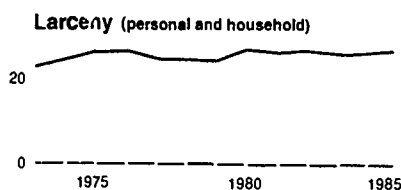
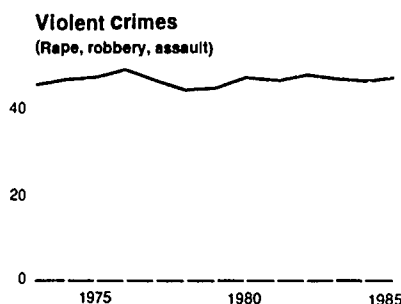
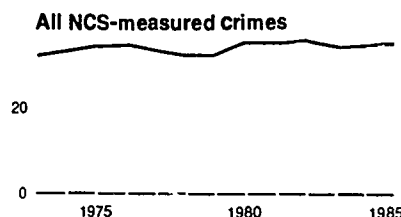
- Violent crimes by strangers were more interracial than crimes by acquaintances or relatives.

- Blacks and whites report violent crimes by spouses or ex-spouses at about the same rate, but blacks are more likely than whites to report violent crimes by other relatives.

Most crimes are not reported to the police

Only about a third of all crimes are reported to the police

Percent reported to police



Source: BJS Criminal victimization in the United States, 1973-85

The extent to which crime is reported to police has only become known in the past decade

It has long been known that many crimes escape the attention of the police, but it was only with victimization surveys that systematic data were collected on crimes that are not reported—the so-called “dark figure” of crime

Since 1973 the National Crime Survey has provided yearly findings on the extent to which crimes are reported to the police, the characteristics of crimes that are and are not reported, and the reasons for not reporting

The decision to report a crime is often based on its seriousness

In 1983 the rate of reporting to the police was higher for—

- violent crimes than for personal crimes of theft (48% vs 26%)
- female than for male victims of violent crimes (53% vs 45%)
- older than for younger victims (38% of those 65 or older vs 22% of those 12-19).

Reporting rates for motor vehicle theft were higher than for burglary and for household larceny

In 1983 the rates of reporting to the police were —

- 69% for motor vehicle theft
- 49% for household burglary
- 25% for household larceny

Only minor differences occurred in the rates at which whites and blacks reported these three household crimes

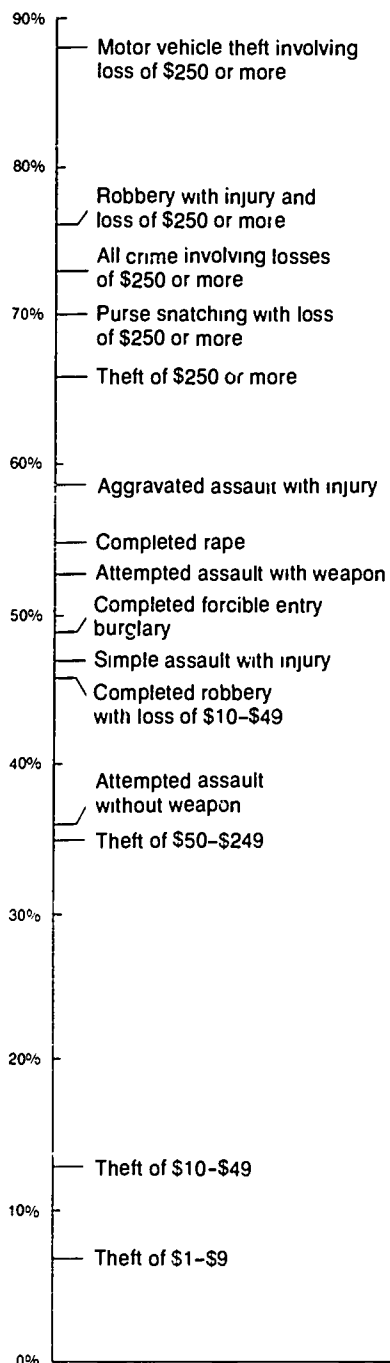
The highest income group was more likely than the lowest income group to report household crimes

	Under \$10,000	\$30,000 and over
Household burglary	41%	57%
Household larceny	20	29
Motor vehicle theft	62	68

Source: Reporting crimes to the police
BJS Special Report, December 1985

Thefts resulting in large losses and serious violent crimes with injury are most likely to be reported to the police

Percent reported to the police



Source: Reporting crimes to the police
BJS Special Report, December 1985

Homeowners were more likely than renters to report household crimes

	Owners	Renters
Household burglary	54%	46%
Household larceny	29	24
Motor vehicle theft	72	63

Source: BJS Criminal victimization in the United States 1985

Someone other than the victim may report a crime to police

- Of reported crimes, about 60% of the personal crimes of rape, robbery, assault, and theft are reported by the victims themselves

- Other household members report 13%, and someone else (for example, a neighbor, bystander, doctor, school principal) reports 22%
- Police are the first to discover the crime in 25% of all reported crimes

Less than half of all violent crimes were reported to police during the years 1982-84

Reporting rates for violent crimes were—

- 47% if committed by strangers
- 53% if by relatives
- 40% if by acquaintances

The higher police reporting rate for violent crimes by relatives should be interpreted with caution. The true proportion of crimes by relatives that are reported to the police is probably lower than the survey estimate. Victims of crimes by relatives who were willing to discuss their victimization experiences possibly make up a special group of domestic assault victims. They may be more willing to discuss their experiences with an interviewer because they have already reported the crimes to the police and discussed them with others or have left the domicile where the assault occurred. Those who have not done so may be more reluctant to report them in a survey interview.

Many violent crimes are reported to prevent the crimes from happening again; many crimes of theft are reported because of a desire to recover property

Percent of victimizations reported to the police by most important reason for reporting the crime

	All responses	Economic		Obligation			Stop/prevent this incident from happening	To punish offender	Other
		To collect insurance	To recover property	Because it was a crime	Because it was your duty	To keep it from happening again			
All crimes	100%	8%	32%	8%	7%	20%	9%	7%	10%
Crimes of violence*	100%	—	6%	7%	8%	31%	18%	14%	17%
Robbery	100	—	21	9	7	22	15	11	10
Aggravated assault	100	—	—	4	11	33	17	16	11
Simple assault	100	—	—	7	8	35	19	12	18
Crimes of theft	100%	12%	43%	8%	7%	14%	4%	4%	9%
Household crimes	100%	7%	35%	9%	7%	19%	9%	7%	7%
Burglary	100	6	26	12	7	23	12	8	7
Household larceny	100	9	37	7	7	19	8	6	8
Motor vehicle theft	100	9	63	6	4	7	4	5	—

Many violent crimes were unreported because they were "private matters," and many crimes of theft were "not important enough to report"

Percent of victimizations not reported to the police by the most important reason for not reporting crime

Type of crime	All responses	Not serious	Nothing should be done	Police wouldn't do anything	Personal disadvantage	Personal private	Reported to someone else	Other	Note: Figures may not add to total because of rounding
All crimes	100%	35%	27%	11%	3%	9%	11%	7%	
Crimes of violence*	100%	27%	9%	10%	6%	28%	11%	11%	— Too few cases to obtain statistically reliable data
Robbery	100	29	16	14	5	13	8	11	
Aggravated assault	100	24	9	9	7	33	9	9	* Includes crime of rape which is not displayed separately because of the small number in the sample
Simple assault	100	29	5	8	5	30	13	10	
Crimes of theft	100%	34%	29%	8%	2%	4%	18%	6%	
Household crimes	100%	37%	29%	13%	2%	8%	4%	7%	Source: Reporting crime to the police
Burglary	100	29	31	13	3	8	7	9	BJS Special Report
Household larceny	100	41	30	12	2	7	2	6	December 1985
Motor vehicle theft	100	35	27	16	—	10	—	6	

Compensation for crime victims is becoming more available

Victim compensation programs are still relatively new

Programs to assist crime victims and witnesses have been established in almost all States over the past 5 years. In general, the programs—

- provide financial assistance to victims and witnesses
- protect the rights of victims and witnesses
- complement existing efforts to aid special categories of victims, such as rape victims and victims of family abuse

Victim/witness services may also be provided by noncriminal justice agencies (for example, State or local departments of health or human resources). Many private organizations have also developed programs such as rape crisis centers to assist victims and witnesses.

Most State victim compensation programs help to recover medical costs and lost earnings

Forty-four States, the District of Columbia, and the Virgin Islands provide compensation for medical bills and lost wages for victims. In general, awards may be made to persons injured as a direct result of the crime.

If the victim dies, payments to cover burial and related expenses are generally available to dependent survivors. In many cases, "good samaritans"—persons injured while trying to prevent a crime or apprehend an offender—are also eligible for payment.

Most States establish upper limits on payments and do not provide compensation for property losses. In general, payment can be made whether or not the offender has been apprehended or convicted, but most States require that the crime be reported to proper authorities.

State compensation programs are funded with State administered funds. The 1984 Federal Victims of Crime Act also provides for Federal grants to assist States that have established qualifying victim compensation programs.

In 1985, \$80.8 million was paid to victims of crime by State compensation programs

State	1985 payments
Alabama	\$226,638
Alaska	703,232
California	18,510,913
Colorado	2,008,767
Connecticut	1,365,879
Delaware	491,687
District of Columbia	320,635
Florida	5,348,203
Hawaii	472,479
Illinois	2,630,554
Indiana	420,549
Iowa	302,731
Kansas	373,488
Kentucky	605,259
Louisiana	326,796
Maryland	2,243,613
Massachusetts	917,543
Michigan	1,961,173
Minnesota	812,124
Missouri	1,013,482
Montana	387,428
Nebraska	107,098
Nevada	264,526
New Jersey	5,457,576
New Mexico	236,178
New York	7,418,675
North Dakota	75,908
Ohio	5,874,254
Oklahoma	688,099
Oregon	812,876
Pennsylvania	2,218,443
Rhode Island	659,715
South Carolina	669,483
Tennessee	3,651,965
Texas	6,351,834
Virginia	799,255
Washington	3,166,307
West Virginia	182,657
Wisconsin	1,052,438
Virgin Islands	75,133
Total	\$80,845,593

Note: Arizona, Idaho, North Carolina, and Utah had programs but did not expend money in 1985. Arkansas, Georgia, Maine, Mississippi, New Hampshire, South Dakota, Vermont, and Wyoming did not have programs.

Source: Office for Victims of Crime

Restitution programs may pay victims for other losses, such as property damage

Many States also permit victims to recover crime-related losses (including property damages) where a court requires restitution by the offender as a condition of sentencing. Unlike compensation, however, such payments are only available if the offender is convicted and financially solvent.

Many States restrict offenders from profiting from their crimes

Several States require that profits earned by an offender in publicizing details of a crime be put into an escrow account and, if the offender is convicted, used to cover crime-related costs incurred by the victim (including, in some cases, legal fees).

Funds not needed to cover victim expenses may be returned to the offender or transferred to a general victim compensation fund. The 1984 Federal Victims of Crime Act also requires that profits earned by Federal offenders be forfeited and used to support Federal grants to assist States with victim compensation and assistance programs.

Legislation strengthens the rights of victims and witnesses

Victims and witnesses may not be intimidated—State laws and the 1984 Federal Victim and Witness Protection Act protect crime victims and witnesses against physical and verbal intimidation where such intimidation is designed to discourage reporting of crimes and participation in criminal trials. Laws generally protect all subpoenaed witnesses but may also protect persons whom the offender "believes" will be called to testify or who may have knowledge of the crime. Some laws also permit courts to forbid defendants from communicating with or coming near victims and witnesses.

Victims must be notified of case progress—A large number of States require that—

- victims be notified at key decision points in the trial and sentencing of the offender
- victims be notified upon release or escape of an offender
- victims and witnesses be advised of scheduling changes and of available funds to cover court appearances, victim compensation, etc

Victims may participate in sentencing, parole, or other custody decisions—“Victim Impact Statements,” which describe the financial and emotional impact of the crime on the victim (and may also include victim comments on proposed sentences) are now required in many Federal and State cases to be submitted to the court at time of sentencing, parole, or other custody decisions. Victim impact statements are generally included as part of the presentence investigation report

A comprehensive Victims' Bill of Rights is included in some State laws

Comprehensive Victims' Bill of Rights laws—

- protect victims against intimidation
- ensure that victims receive notice and are allowed to participate in various stages in the case against the accused offender

Such laws may also—

- ensure the victims right to continued employment
- provide medical or social support services
- require the appointment of an “ombudsman” to protect the rights of the victim during the trial period

44 States, the District of Columbia, and the Virgin Islands have compensation programs to help victims of violent crime

State	Victim compensation board location ^a	Financial award	To qualify victim must—		
			show financial need	report to police within	file claim within
Alabama	Alabama Crime Victim Compensation Commission	\$0-10,000	No	3 days	12 mos
Alaska	Department of Public Safety	\$0-40,000	Yes	5	24
Arizona	Arizona Criminal Justice Commission	**	Yes	3	**
California	State Board of Control	\$100-46,000	Yes	*	12
Colorado	Judicial district boards	\$25-10,000	No	3	6
Connecticut	Criminal Injuries Compensation Board	\$ 00-10,000	No	5	24
Delaware	Violent Crimes Board	\$25-20,000	No	*	12
DC	Office of Crime Victim Compensation	\$100-25,000	Yes	7	6
Florida	Department of Labor and Employment Security Workmens Compensation Division	\$0-10,000	Yes	3	12
Hawaii	Department of Corrections	\$0-10,000	No	*	18
Idaho	Industrial Commission	\$0-25,000	No	3	12
Illinois	Court of Claims	\$0-25,000	No	3	12
Indiana	Industrial Board	\$100-10,000	No	2	24
Iowa	Department of Public Safety	\$0-20,000	No	1	6
Kansas	Executive Department	\$100-10,000	Yes	3	12
Kentucky	Victim Compensation Board	\$0-25,000	Yes	2	12
Louisiana	Commission on Law Enforcement Criminal Injuries Compensation Board	\$100-10,000	No	3	12
Maryland	Board	\$0-45,000	Yes	2	6
Massachusetts	District court system	\$0-25,000	No	2	12
Michigan	Department of Management and Budget	\$200-15,000	Yes	2	12
Minnesota	Crime Victims Reparation Board	\$100-50,000	No	5	12
Missouri	Division of Workmens Compensation	\$200-10,000	No	2	12
Montana	Crime Control Division	\$0-25,000	No	3	12
Nebraska	Commission on Law Enforcement and Criminal Justice	\$0-10,000	Yes	3	24
Nevada	Board of Examiners and Department of Administration	\$0-15,000	Yes	5	12
New Jersey	Executive Branch	\$0-25,000	No	90	24
New Mexico	Executive Branch	\$0-12,500	No	30	12
New York	Executive Department	\$0-30,000*	Yes	7	12
North Carolina ^b	Department of Crime Control and Public Safety	\$100-20,000		3	24
North Dakota	Workmens Compensation Bureau	\$0-25,000	No	3	12
Ohio	Court of Claims Commissioners	\$0-25,000	No	3	12
Oklahoma	Crime Victims Board	\$0-10,000	No	3	12
Oregon	Department of Justice/Workmens Compensation Board	\$250-23,000	No	3	6
Pennsylvania	Crime Victims Board	\$0-35,000	No	3	12
Rhode Island	Superior court system	\$0-25,000	No	10	24
South Carolina	Crime Victims Advisory Board	\$100-3,000	No	2	6
Tennessee	Court of Claims Commission	\$0-5,000	No	2	12
Texas	Industrial Accident Board	\$0-25,000	No	3	6
Utah	Department of Administrative Services	\$0-25,000	**	7	12
Virgin Islands	Department of Social Welfare	Up to \$25,000	No	1	24
Virginia	Industrial Commission	\$0-15,000	No	5	24
Washington	Department of Labor and Industries	\$0-15,000*	No	3	12
West Virginia	Court of Claims Commissioner	\$0-35,000	No	3	24
Wisconsin	Department of Justice	\$0-40,000	No	5	12

^a Location of the board is not indicated in the State statute; the board itself is noted.

^b North Carolina program is administratively established but not funded.

*Must report but no time limit specified.

**No reference in statute.

*Plus unlimited medical expenses.

Source: BJS 1987, *Profile of Victim Witness Legislation: An Overview* BJS July 1984 with assistance from National Organization for Victim Assistance.

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Chapter III

The offender

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This chapter profiles arrestees and offenders with data that address such questions as—

How do we know who commits crime?
What do we know about the offender?
How many offenders are there?

Who is the "typical" offender? How are offenders and victims similar? How are they different?

What is the relationship between age and crime?

What are the characteristics of repeat offenders? How much crime do they account for?

Are women becoming more involved in crime?

To what extent do blacks, Hispanics, and other ethnic groups engage in crime?

What are the family, economic, and educational backgrounds of jail and prison inmates?

Is there a link between drug and alcohol use and crime? How does drug and alcohol use by offenders differ from that of the general population?

Invaluable contributions to this chapter were made by Victoria Major, Sharon Profeter, and the User Services Staff of the FBI Uniform Crime Reports Section and by James Stephan, Sophie Bowen, and Sara E. Smith of BJS.

Who commits crime?

How do we know who commits crime?

Three major sources provide information about the kinds of persons who commit crime

- **Official records** compiled by police, courts, jails, and prisons have the advantage that they offer information on the more serious crimes and criminals. However, these records are limited to only the crimes and criminals that come to the attention of law enforcement officials.

- **Self-report surveys**, in which people are asked whether they had committed crimes, can provide more complete information than official records about crimes and criminals whether or not they were detected or apprehended. But there is the danger that people will exaggerate, conceal, or forget offenses. Many self-report surveys are limited to people who are in correctional custody.

- **Victim surveys**, such as the National Crime Survey, obtain information from crime victims including their observations of the age, race, and sex of their assailants. Victim surveys give information not only about crimes reported to the police but also about unreported crimes. A disadvantage is that in crimes of stealth (such as burglary and auto theft) victims seldom ever see who committed the crime. Also, many victims of crimes fail to tell interviewers about being victimized by relatives and other nonstrangers.

How many criminals do we know about?

By the most conservative estimates, 36 to 40 million persons (16–18% of the U.S. population) have arrest records for nontraffic offenses. In 1983 official records covered more than 11.7 million arrests for all offenses, 224,000 jail inmates, more than 1.5 million probationers, 439,000 prison inmates, and 250,000 parolees.

Which criminals do we know the most about?

The major sources do not give uniformly complete information about every kind of offender. In particular, they tell us much more about common criminals than they do about white-collar criminals.

Much of what we know about offenders and their traits is limited to the common criminals who commit the offenses of greatest concern to the public, predatory crimes such as robbery and burglary.

Offenses	Arrestees include many later released—most arrests are for less serious offenses	Jail inmates include those awaiting trial or sentencing and those serving short sentences for less serious crimes	Prison inmates are those sentenced to more than 1 year—generally for serious crimes
Murder/			
manslaughter	15%	6%	18%
Sexual assault	30	3	6
Robbery	1	11	25
Assault	8	8	6
Other violent crimes		2	3
Burglary	4	14	18
Larceny theft	11	11	5
Forgery/fraud/			
embezzlement	4	5	4
Auto theft	1	2	2
Other property	3	5	2
Drugs	7	10	7
Public order	25	12	3
Driving while intoxicated	15	7	1
Number	11,945,200	223,552	274,564
Not available			

Sources: FBI *Crime in the United States*, 1985
Jail inmates, 1983 BJS Bulletin, November 1985
BJS Survey of Inmates of State Correctional Facilities, 1979 unpublished data

What do the major sources tell us about who commits crime?

The major sources tell us which traits are more (or less) common among criminals than noncriminals. These traits hold clues for explaining why some people are more likely than others to commit crime. No single trait distinguishes all criminals.

Official records report traits of *apprehended* criminals, which may or may not be the same as those of all persons. Some observers say these traits

are not similar, claiming that persons with certain characteristics (for example, blacks or males) are overarrested and overimprisoned compared with others (for example, whites or females). However, victim surveys, which provide information about more victimizations than those known to the police, find the traits of observed criminals to be generally the same as those in the official records. For example, the racial makeup of arrested persons and imprisoned persons is very similar to the racial makeup of all criminals who were taken by their victims.

Who is the 'typical' offender?

Most crimes are committed by males, especially by those under age 20. About 42% of all persons arrested for UCR Index crimes in 1985 were under age 20 and almost four-fifths were males. The 1985 National Crime Survey shows that most violent offenders are perceived to be white males, but black males are perceived to be violent offenders in numbers disproportionate to their share of the population. This does not mean that persons commit crime because they are male or black.

Offenders and victims share many traits. Like victims of crime, the offenders described in arrest, jail, and prison data are predominantly male and disproportionately young and black.

What are the characteristics of arrestees and offenders in jails and prisons?

	US population 1980	1983					
		Index crime arrestees		Jail inmates		State prison inmates	Federal prison inmates
		Violent	Property	Uncon- victed	Con- victed		
	226,545,805	443,686	1,707,434	88,120	132,620	405,312	31,926
Sex							
Male	49%	89%	78%	93%	93%	96%	95%
Female	51	11	23	7	7	4	5
Race							
White	86	51	66	54	61	51	65
Black	12	48	33	44	36	47	33
Other	2	1	2	2	3	3	3
Ethnic origin							
Hispanic	6	12	11	15	14	8	23
Non Hispanic	94	88	89	85	86	57	77
Unknown	0	0	0	0	0	35	0
Age							
Under 15	23	5	14	*	*	0	0
15-19	9	23	32	14	11	7	0
20-29	18	43	32	53	54	56	34
30-39	14	19	13	23	24	25	40
40-49	10	7	5	6	7	8	17
50-59	10	3	2	3	3	3	7
60+	16	1	2	1	1	1	2

*Less than 5%

Note: Percentages may not add to total because of rounding.

Sources: Statistical abstract of the United States 1981
FBI Crime in the United States 1983

Jail inmates 1983 BJS Bulletin November 1985

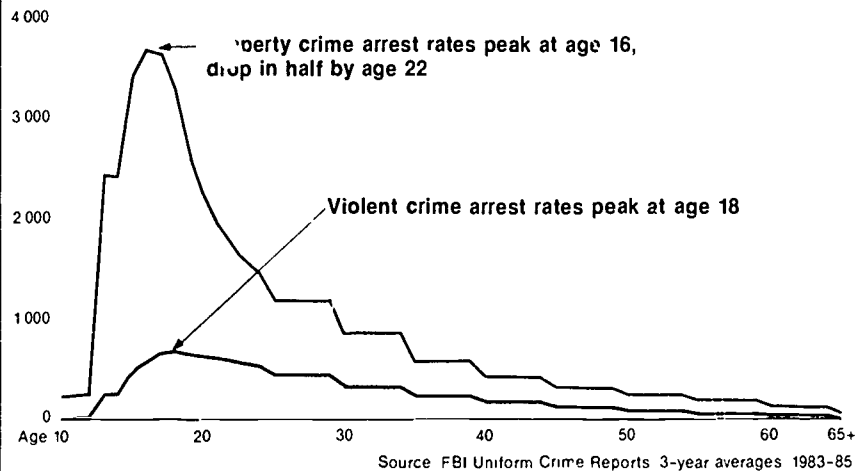
BJS Survey of Inmates of Local Jails 1983 unpublished data

BJS Prisoners in State and Federal Institutions yearend 1983 unpublished data

What is the relationship between age and crime?

Serious crime arrest rates are highest in young age groups

Arrest rate per 100,000
age eligible population



Young people make up the largest proportion of offenders entering the criminal justice system

In 1985—

- Two-thirds of all arrests and three-quarters of all UCR Index arrests were of persons under age 30
- Arrests of youths under age 21 made up half of all UCR Index property crime arrests and almost a third of all violent crime arrests
- Arrests of juveniles (persons under age 18) made up 17% of all arrests and 31% of all UCR Index arrests.
- During 1970-85, the number of arrests of juveniles (persons under age 18) fell by 18%, reflecting the decline in the size of that age group and a 15% drop in their arrest rate

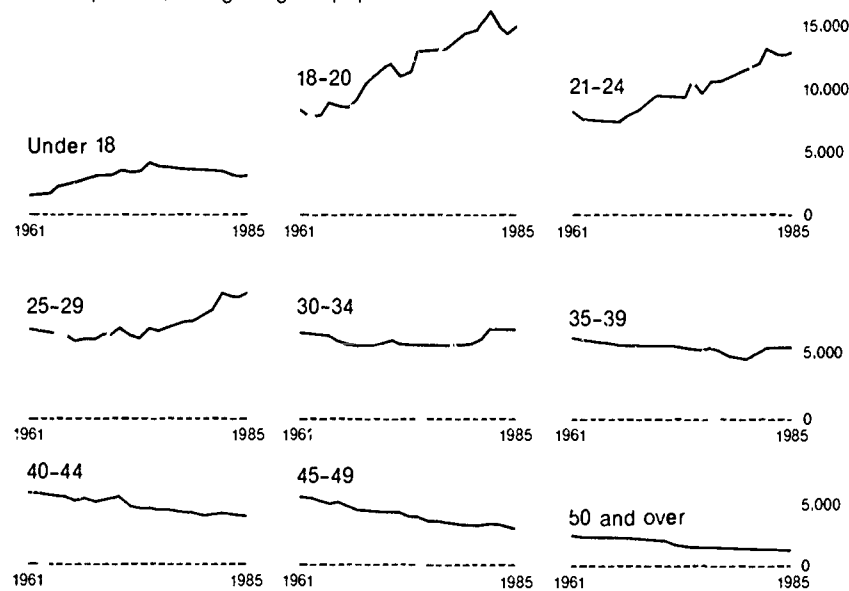
Participation in crime declines with age

Arrest rate trends vary by age group

Between 1961 and 1981—

- The most dramatic increases in arrest rates were for persons age 18 to 20.
- Smaller increases in arrest rates occurred for persons age 21 to 24 and age 25 to 29.
- For persons age 30 and older, arrest rates declined.
- Persons age 18 to 20 had the highest arrest rates followed by those age 21 to 24.
- Persons age 50 or older had the lowest arrest rates.

Arrests per 100,000 age-eligible population



Arrest data show that the intensity of criminal behavior slackens after the teens, and it continues to decline with age. Arrests, however, are only a general indicator of criminal activity. The greater likelihood of arrests for young people may result partly from their lack of experience in offending and also from their involvement in the types of crimes for which apprehension is more likely (for example, purse snatching vs fraud). Moreover, because youths often commit crime in groups, the resolution of a single crime may lead to several arrests.

The decline in crime participation with age may also result from the incapacitation of many offenders. When repeat offenders are apprehended, they serve increasingly longer sentences, thus incapacitating them for long periods as they grow older. Moreover, a RAND Corporation study of habitual offenders shows that the success of habitual offenders in avoiding apprehension declined as their criminal careers progressed. Even though offense rates declined over time, the probabilities of arrest, conviction, and incarceration per offense all tended to increase. Recidivism data also show that the rates of returning to prison tend to be lower for older than for younger prisoners. Older prisoners who do return do so after a longer period of freedom than do younger prisoners.

Different age groups are arrested and incarcerated for different types of crimes

- Juveniles under age 18 have a higher likelihood of being arrested for robbery and UCR Index property crimes than any other age group
- Persons between ages 18 and 24 are the most likely to be arrested for violent crimes
- The proportion of each group arrested for public order crimes increases with age.
- Among jail and prison inmates, property crimes, particularly burglary and public order crimes are more common among younger inmates
- Violent crimes were more prevalent among older inmates admitted to prison in 1982 but showed little variation among jail inmates of different ages.
- Drug crimes were more prevalent among inmates age 25 to 44 in both prisons and jails

Many first-time prison inmates had never been to prison before

Of all persons admitted to prison after age 40, nearly half were in prison for the first time

Inmates whose most recent admission to prison was at or after age 40 were more likely to be serving time for a violent crime than inmates who had the longest, most continuous criminal careers. The seriousness of their offenses alone probably explains why so many inmates were incarcerated for the first time at or after age 40

Persons who were returning to prison at or after age 40 generally had prior criminal records rather than a current violent conviction. Given their records, these returnees did not have to commit a violent crime to bring them back to prison

Average age at arrest varies by type of crime

Most serious charge	Average age at arrest in 1985
Gambling	37 years
Murder	30
Sex offenses	30
Fraud	30
Embezzlement	29
Aggravated assault	29
Forcible rape	28
Weapons	28
Forgery and counterfeiting	27
Drug abuse violations	26
Stolen property	25
Larceny/theft	25
Arson	24
Robbery	24
Burglary	22
Motor vehicle theft	22

Source: Age specific arrest rates and race specific arrest rates for selected offenses 1965-85. FBI Uniform Crime Reporting Program, December 1986

The average age of arrestees for most crimes remained fairly constant from 1965 to 1985

Some exceptions are that the average age of persons arrested for —

- murder declined
- forcible rape increased
- fraud declined
- embezzlement declined
- larceny/theft increased
- motor vehicle theft increased

The greatest increase in average age was for persons arrested for arson

Historically, studies have shown property crimes to be more typical of youths than of older offenders

In a historical assessment of offending patterns, Cline reviewed several studies. These studies indicated a change from property to violent crimes as adolescents moved into adulthood

Adults commit more serious crimes than juveniles

In a study of delinquency over time in England, Langan and Farrington examined the relationship between age of offenders and the value of the property they stole. Their study found that crimes committed by adults were much more serious when measured in terms of value of stolen property than those committed by juveniles. Findings showed that the average amount stolen increased with age

Repeat offenders are responsible for much of the Nation's crime

Who are career criminals?

The term "career criminal" has been used to describe offenders who—

- have an extensive record of arrests and convictions
- commit crimes over a long period of time
- commit crimes at a very high rate
- commit relatively serious crimes
- use crimes as their principal source of income
- specialize (or are especially expert) in a certain type of crime
- have some combination of these characteristics.

Such criminals are often described as chronic, habitual, repeat, serious, high-rate, or professional offenders.

Some criminals exhibit all of the above characteristics, but most do not. Some high-rate offenders are arrested frequently and others rarely. In fact, some low-rate offenders are arrested more often than some high-rate ones. The frequency with which an offender commits crimes varies over time. Thus, an offender could be high-rate one month and low-rate the next. Similarly, the offender who commits a serious crime may or may not be committing serious or other crimes at a high rate. And some high-rate and/or serious offenders have no or almost no official prior record of involvement in crime.

A few criminals commit many crimes

Most offenders commit crimes at low rates, but a few do so at very high rates.

Studies in Philadelphia, Pennsylvania, Racine, Wisconsin, and Columbus, Ohio, show that 23 to 34% of the juveniles involved in crime are responsi-

ble for 61 to 68% of all the crimes committed by juveniles. In a national sample of U.S. youths age 11-17, the 7% who were the most active offenders committed about 125 crimes per year each, whereas the 55% who were the least active committed an average of fewer than 8 per year.

The same disproportionate pattern occurs with adults. The Chaikens' study of nearly 2,200 offenders coming into California, Michigan, and Texas jails and prisons found that 50% of the robbers committed an average of fewer than 5 robberies per year, but a robber in the most active 10% committed more than 85 per year. And, while 50% of the burglars averaged fewer than 6 burglaries per year, the most active 10% averaged more than 232 per year.

A Washington, DC, study reported that 24% of all the adult arrests were attributable to just 7% of the adults arrested. Similarly, a 22-State study by BJS of young parolees revealed that about 10% of this group accounted for 40% of their later arrest offenses.

High-rate offenders seldom specialize in one type of crime

Instead, they tend to commit a variety of misdemeanors and felonies as well as both violent and property crimes. They also often engage in related crimes, such as property and drug offenses.

Few repeat offenders are full-time criminals

Most chronic offenders have irregular sources of income. And they usually commit crimes during the periods they are not employed. However, some prefer a "criminal career" to conventional employment.

Juvenile delinquency often foreshadows adult criminal activity

Most juvenile delinquents do not go on to become adult criminals, but many do continue to commit crimes.

- In Marion County, Oregon, 30% of the juvenile boys convicted of serious crime were later convicted of serious crimes as adults.
- In Chicago, 34% of the boys appearing in juvenile court later went to jail or prison as adults.
- The criminal records of 210 serious California juvenile offenders were examined to find out how many crimes they committed from age 18 to 26. Of this group, 173 (86%) were arrested for 1,507 crimes, including:
 - 5 homicides
 - 12 rapes
 - 20 other sex offenses
 - 40 weapon offenses
 - 88 robberies
 - 131 assaults
 - 166 drug offenses
 - 211 burglaries

The more serious the juvenile career, the greater the chances of adult criminality

In New York City, 48% of the juveniles who had only 1 year of juvenile activity had one or more adult arrests and 15% were serious adult offenders. In contrast, 78% of those with lengthy juvenile careers were arrested as adults and 37% were serious adult offenders.

Long-term studies show that the more often a person is arrested, the greater the chances of being arrested again

For example, a study of Philadelphia males born in 1945 found that—

- 35% were arrested at least once
- 54% of those with one arrest had a second arrest
- 65% of those with two arrests had a third arrest
- 72% of those with three arrests had a fourth arrest.

A study of 539 former Illinois prison inmates showed that 53% of those with one incarceration were arrested within 29 months of their release date compared to a 76% recidivism rate among those with 3 or more incarcerations

The more often an offender is arrested before going to prison, the more likely and the sooner that person will be arrested after his or her release

A BJS study of young parolees found that 69% were rearrested within 6 years of their release from prison. However, the rearrest rate was 93% among those with 6 or more prior arrests compared to 59% for those with one prior arrest. The median time between release from prison and the first subsequent arrest was 7 months for those with 6 or more prior arrests versus 17 months for those with one prior arrest. Similarly, the more often an offender was arrested before going to prison, the more likely and the sooner he or she was reconvicted and reincarcerated after being paroled.

Criminal history, age, and drug use are among the best correlates of future criminality

The combination of prior adult and juvenile record, age, and drug use provides a better than chance prediction of subsequent criminal activity. Hoffman found

that when Federal inmates were placed into risk groups based on these factors, 94% of the persons predicted to be at least risk to society had a favorable 2-year parole outcome vs. 41% of those predicted to be among the worst risks.

The same variables also predict recidivism among State prisoners. For example, Klen and Caggiano found that 21% of a group of inmates in California who were forecast to have a relatively low likelihood of committing future crimes were back in jail or prison within 2 years of their release date vs. a 52% reincarceration rate in the predicted high-risk group.

After their release from custody, offenders continue to commit crimes and often serious crimes

Studies show that 10% to 20% of defendants on pretrial release are arrested while awaiting trial. A study of California offenders by Petersilia et al. found that more than 45% of the persons convicted of crimes such as robbery, burglary, assault, and theft were already on adult or juvenile probation or parole at the time of their conviction.

This study also found that 63% of those given felony probation were rearrested within 2 years of their release date. The recidivism rate was 72% among similar defendants who went to prison. In both groups more than 25% of the new filed charges were for violent crimes (homicide, rape, assault, and robbery).

Nationally, about half the inmates released from State prison will return to prison. And most of those who return will do so within 3 years of their release date. In 1979, 61% of the 33,465 males admitted to State prison had at least one prior incarceration.

The older the offender at the time of arrest, the longer he is likely to continue his criminal career

One study shows that an 18-year old who commits an Index crime usually stops committing crimes within 5 years of the arrest date but a 35-year old who has been committing crimes since age 18 usually goes on committing crimes for another 10 years. However, 18-year olds who commit murder or aggravated assault tend to have criminal careers of about 10 years duration.

Despite repeated convictions and incarcerations, many offenders continue to believe they can get away with committing crimes

The Chaikens asked inmates in three States, "Do you think you could do the same crime again without getting caught?" The answer "yes" was given by—

- 50% of the California inmates
- 34% of the Michigan inmates
- 23% of the Texas inmates

Motivations for crime range from thrill-seeking to need for money

Juveniles who went on to have adult criminal careers have stated that their main motives for crime were thrill-seeking, status, attention-getting, or peer influence, according to a RAND Corporation study of habitual felons. As criminals approach adulthood, the reasons cited shift to financial needs, especially to money for drugs and alcohol.

How do the offense characteristics of men and women differ?

Relatively few offenders are female

	Females in group
All arrests (adults and juveniles)	17%
Index crime arrests	21
Violent crime arrests	11
Property crime arrests	24
Larceny	31
Nonlarceny	8
Under correctional supervision	
Juveniles	20
Jail inmates	7
Prison inmates	5

Sources: FBI *Crime in the United States 1985*; BJS *Children in custody 1982/83 Census of Juvenile Detention and Correctional Facilities*, September 1986; *Jail inmates 1984*; BJS Bulletin May 1986; *Prisoners in 1984*, BJS Bulletin April 1985

Offense patterns differ for males and females

UCR Index Crimes	Percent of all arrests	
	Males	Females
Murder and non-negligent/ manslaughter	88%	12%
Rape	99	1
Robbery	92	8
Aggravated assault	87	14
Burglary	93	7
Larceny-theft	69	31
Motor vehicle theft	91	9
Arson	87	13

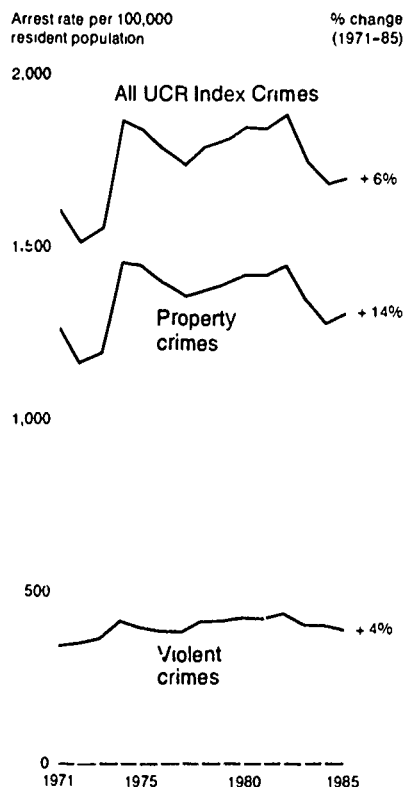
Source: FBI *Crime in the United States 1985*

- Men are more likely than women to be arrested for the more serious crimes, such as murder, rape, robbery, or burglary

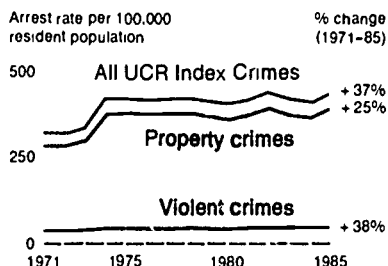
- Arrest, jail, and prison data all suggest that a higher proportion of women than of men who commit crimes are involved in property crimes, such as larceny, forgery, fraud, and embezzlement, and in drug offenses.

For UCR Index Crimes, the rate of arrest of females is much lower than that of males, but it has risen faster

Males



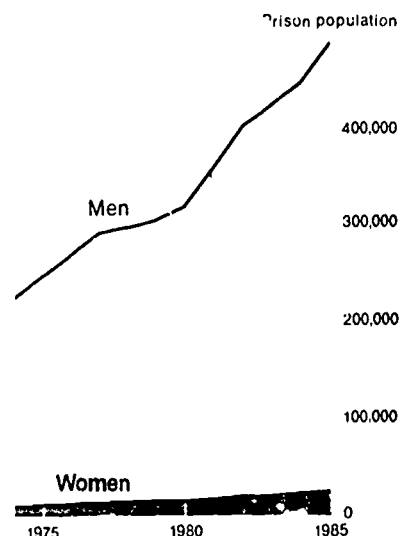
Females



Source: FBI Uniform Crime Reports, 1971-85, unpublished data

While all prison populations have been growing dramatically, the women's share has risen from 4% to 5% in the past decade

Over the past 10 years, the number of women in prison rose by 107% (from 11,170 in 1976 to 23,091 in 1985), while the number of men rose by 80% (from 266,830 in 1976 to 480,510 in 1985)



Sources: BJS *Prisoners in State and Federal Institutions on December 31, 1982*; *Prisoners in 1984*; BJS Bulletin, April 1985; *Prisoners at midyear 1984*, BJS press release, August 27, 1984; BJS National Prisoner Statistics, unpublished data on prisoners in 1983 and 1985

A relatively large proportion of offenders come from minority groups

The number of black criminals is disproportionately high

Blacks, who made up 12% of the U.S. population in 1980, accounted for—

- 27% of all arrests in 1985
- 34% of all UCR Index Crime arrests
- 47% of all arrests for violent crimes
- 40% of local jail inmates in 1984
- 46% of State prison inmates in 1984

According to many researchers, the disproportionality of blacks in the prison population is mostly attributable to age, seriousness of crime, prior criminal record, and other legally relevant factors. This finding neither rules out nor confirms the possibility of some discrimination in the criminal justice system.

Victim reports confirm the pattern of arrests by race

The pattern of racial involvement in arrests shown in police records closely parallels that reported by victims of crime in the National Crime Survey.

	Percent of offenders who were black	
	Robbery	Burglary
NCS victim observation	63%	34%
UCR arrests	59	35

Note: Data exclude offenders under age 18 and of races other than black and white. NCS victims observed the offender in 92% of the robberies and 5% of the burglaries.

The lifetime chance of incarceration is six times higher for blacks than for whites

The likelihood that any adult male will have served time in a juvenile or adult jail or prison by age 64 is estimated to be 18% for blacks and 3% for whites. However, after the first confinement, the likelihood of further commitments is similar for white and black males. About a third of each group who have ever been confined will have been confined four times by age 64.

The proportion of black State prisoners in the South is more consistent with their share of the population than in other regions

	Blacks as a percent of prison population	Blacks as a percent of U.S. population	Ratio of prison proportion to U.S. proportion
United States	46%	12%	4 to 1
Northeast	51	10	5 to 1
Midwest	45	9	5 to 1
South	54	19	3 to 1
West	26	5	5 to 1

Sources: Statistical abstract of the United States 1984
BJS National Prisoner Statistics, 1984 unpublished data

Blacks were more likely than whites to be violent offenders

Among UCR Index Crimes, the arrest rate of blacks was higher for violent than for property crimes.

	Whites	Blacks
All arrests	72%	27%
All Index Crimes	65%	34%
Violent crimes	52%	47%
Murder	50	48
Rape	52	47
Robbery	37	62
Aggravated assault	58	40
Property crimes	68%	30%
Burglary	70	29
Larceny-theft	67	31
Motor vehicle theft	66	32
Arson	76	23

Note: Percentages do not add to 100% because arrests of persons of other races are not shown.

In 1983 blacks accounted for 45% of all prison admissions and about 47% of all admissions for violent crimes. Of all blacks admitted to prison in 1983, 38% were admitted for violent crimes as compared to 31% of all whites. Eighteen percent of all blacks were admitted for robbery as compared to 11% of all whites.

The proportion of Hispanics in prisons and jails is greater than in the total U.S. population

Fifteen million Hispanics make up 6% of the U.S. population. This number is divided about equally between males and females.

Hispanics (both white and black)—

- accounted for 15% of all arrests for violent crimes and 11% of all arrests for property crimes in 1985
- made up 13% (27,423) of the male jail population and 11% (1,929) of the female jail population in 1984
- made up 10% (46,125) of the male prison population and 9% (1,781) of the female prison population
- were more likely than non-Hispanics to be in jail or prison for drug offenses in 1983 and 1984

What are the social and economic characteristics of offenders?

The relationship of an offender's social and economic background to crime has been hotly debated

There is no agreement over the relationship between crime and various social and economic factors. Some researchers believe that crime results from deprived backgrounds, while others see criminal behavior as another symptom of maladjustment. Whatever the relationship might be, we can measure certain characteristics of offenders and compare them to the population as a whole to give a profile of the offending population. This profile does not indicate which came first, the social and economic characteristic or the criminal behavior. It also does not explain why some people with similar characteristics do commit crimes and others do not.

A high proportion of offenders grew up in homes with one parent

About 48% of jail and prison inmates grew up primarily with one parent or other relatives. In 1980, 20% of the children under age 18 in the United States were living with one parent. Moreover, about 15% of the jail inmates and 16% of the prison inmates grew up with neither parent, whereas 4% of all children under age 18 in the United States in 1980 were living with neither parent. Some studies suggest that the relationship between family background and delinquency is particularly strong for females.²

Many offenders have been victims of childhood abuse

A study of inmates at the California Institution for Men at San Quentin found that many inmates had been abused extensively as children. Although data are limited, some studies suggest that adolescents subjected to extreme abuse and violence at home may develop psychotic symptoms, neurological abnormalities, and violent behavior.

Prison and jail inmates were likely to have relatives who served time

About 40% of the prison inmates in 1979 and 34% of the jail inmates in 1983 had an immediate family member (father, mother, brother, sister, spouse, or child) who had been incarcerated in the past. Baunach found that 53% of the 180 inmates who were mothers had other family members with criminal records. These family members were primarily siblings (59%) and husbands, ex-husbands, or lovers (28%).

Most offenders were not married

Among jail and prison inmates—

- About half had never been married and another 24% were divorced or separated (vs. 54% unmarried and 4% divorced or separated among U.S. males age 20-29)
- 22% of the prison and 21% of the jail population were married (vs. 47% of the comparable U.S. population)

The proportion of divorced and separated whites was much higher in jails and prisons than in the U.S. population, the marital status of black inmates was closer to that of blacks in the U.S. population.

Most inmates have dependent children

Women offenders are more likely than men to have dependent children. In 1979, 74% of women prison inmates and 54% of the men had dependent children. In jails in 1983, 71% of the women and 54% of the men had dependent children. Of those inmates who had children, about 67% of those in jail and 71% of those in prison had 1 or 2 children.

The level of education reached by jail and prison inmates was far below the national average

- About 40% of all jail and 28% of all prison inmates had completed high school as compared to 5% of males age 20-29 in the U.S. population
- About 45% of all prison and 41% of all jail inmates as compared with 11% of the U.S. population of males age 20-29 began but did not complete high school
- As compared with the U.S. population of males age 20-29, there were few college graduates in jail or prison

Educational level was associated with type of offense

Offense	Percent of inmates who completed high school	
	Jail	Prison
Drug offenses	34%	29%
Violent offenses	27	21
Property offenses	27	9
Public order offenses	31	18

Sources: Survey of Inmates of State Correctional Facilities, 1979, published data; BJS Survey of Inmates of Local Jails, 1983, unpublished data.

Many offenders were unemployed

The highest incarceration rate among U.S. males age 16-64 was among those who were unemployed prior to arrest

	Number of inmates per 100,000 U.S. population	
	Jail	Prison
In labor force	330	396
Employed	220	356
Unemployed	1,792	933
Not in labor force	323	442
Total	3,29	405

About 45% of all males in jail in 1983 were unemployed at the time they entered jail. Among the 55% who were working, 22% were working only part-time. In the U.S. male population age 16-64, 84% are employed and of these 3% work part-time.

A high proportion of adult felons lacked steady employment

Adult felons were more likely than the general population never to have worked at all or to have held a wide variety of short-term jobs.³ Of the prisoners in a RAND Corporation study, 20% had never worked and another 20% held a variety of short-term jobs. On average, felons in these groups committed more crimes, particularly more property crimes, than the 60% who had had a more stable employment history.

The proportion of blue-collar workers was higher in prison than in the general population

Occupation	Prison population	U.S. population age 16-64
White collar	15%	51%
Blue-collar	68	33
Farm	2	3
Service	14	13

Sources: BJS Survey of Inmates of State Correctional Facilities, 1979; unpublished data; *The current population survey 1972-81: A data book*, volume I, Bureau of Labor Statistics Bulletin, September 1982.

Few inmates had been working in their customary occupation

Before their arrest, 30% of all jail inmates in 1983 who were working were employed outside what they considered to be their customary occupation. Earlier surveys of prison inmates had similar findings. In addition to an inability to find work in their chosen field, this suggests some degree of underemployment.

The average inmate was at the poverty level before entering jail

In 1983 about half the males in jail who had been out of jail or prison for at least a year had annual incomes under \$5,600, a median income of about half that of men in the general population (\$11,848) in 1981. Female jail inmates reported a median income of about \$4,000 during the year before arrest, slightly more than half of that for women

in the general population (\$7,370). The median income for both male and female jail inmates in 1983 did not exceed the poverty level as defined by the U.S. Government.

Many inmates had income from nontraditional sources before entering jail

Among jail inmates—

- 22% depended on welfare, Social Security, or unemployment benefits
- 7% said that their main source of income was illegal
- 60% said that their main source of income had been a wage or a salary

A larger proportion of female than male inmates—

- depended on welfare, unemployment benefits, or Social Security (38% vs 22%)
- depended on family or friends for their subsistence (31% vs 23%)
- admitted that their main income was from illegal activities (11% vs 7%)

Drug and alcohol use is common among offenders

The drug use-crime link is complex

There is evidence of a relationship between drug use, including alcohol use, and crime. How strong it is and how it operates is not clear. Obviously, some drug use is illegal in and of itself. But its impact on other crimes is uncertain. As with other characteristics, drug use may be another symptom of maladjustment. The general pattern of usage by offenders as compared to nonoffenders provides a profile of drug and alcohol use.

Some ways in which drug and alcohol use could contribute to crime include —

- stimulating aggressiveness or weakening inhibitions of offenders
- motivating offenders to commit crimes to get money to buy drugs

Different drugs supposedly have different links to crime. For example, some hypothesize that alcohol's reduction of inhibitions leads to crime, particularly aggressive acts. On the other hand, heroin's addictive nature motivates some addicts to commit crimes to get money to buy drugs. Looking at when the drugs or alcohol were consumed in relationship to the time of the offense helps to clarify if and how drugs and alcohol are involved in crime.

Drug use is far greater among offenders than among nonoffenders

	Percent who had ever used drug		
	Jail inmates	Prison inmates	General population
Any drug	75%	78%	37%
Marijuana	72	75	33
Cocaine	58	37	25
Amphetamines	32	37	9
Barbiturates	27	35	6
Heroin	22	30	2

Sources: *Prisoners and drugs*, BJS Bulletin, March 1983; BJS Survey of Inmates of Local Jails, 1983, unpublished data; *Jail inmates, 1983*, BJS Bulletin, November 1985; *Highlights from the National Survey on Drug Abuse, 1992*, National Institute on Drug Abuse; BJS Survey of inmates of State Correctional Facilities, 1979, unpublished data; *Highlights of the 1985 National Household Survey on Drug Abuse*, National Institute on Drug Abuse.

Prison inmates used alcohol more than their counterparts in the general population

- Almost half the inmates—but only a tenth of all persons age 18 and older in the general population—drank an average of an ounce or more daily.
- Males, both in prison and in the general population, were much more likely than females to drink an ounce or more.
- Men in prison were roughly three times as likely as men in general to consume an ounce or more daily. Women in prison were over five times more likely than women in general to consume that much.
- A sixth of the inmates and a third of the general population abstained from all alcohol.
- More than a third of all inmates drank alcoholic beverages daily. During the year before the crime, two-thirds of these inmates drank very heavily, that is, at any one drinking session they typically drank the equivalent of eight cans of beer, seven 4-ounce glasses of wine, or nearly nine ounces of 80-proof liquor.

Which comes first drug use or crime?

There is some indication that involvement in crime may precede drug use. Greene found that most arrested addicts began their criminal behavior before they began using drugs regularly. Similarly, the 1979 Prison Inmate Survey showed that for more than half the inmates, involvement in crime preceded their drug use. Other research shows that most heroin-addicted criminals were involved in crime before they became addicted and that traditional income sources, rather than street crimes, are the major source of support for the drug habit.

What is the relationship between increased drug use and crime?

Studies in Baltimore, California, and Harlem show increased criminal involvement with more drug usage. Ball, Shaffer, and Nurco found that over a 9-year period, the crime rate of 354 black and white heroin addicts dropped with less narcotics use and rose 4 to 6 times with active narcotics use. Similarly, Anglin and Speckart compared criminal involvement of 753 white and Hispanic addicts before and after addiction. Results showed that 21–30% more persons were involved in crimes the year after addiction began, arrests increased substantially, and the number of days addicts were involved in crimes increased 3 to 5 times their number prior to the first addiction.

In a study of behaviors and economic impacts of 201 street heroin users in Harlem between 1980 and 1982, Johnson et al. revealed that daily heroin users reported the highest crime rates, 209 nondrug crimes per year compared with 162 among regular users, and 116 among irregular users. Daily heroin users committed about twice the number of robberies and burglaries as regular users and about 5 times as many as irregular users.

Drug users are more involved in money-producing crimes

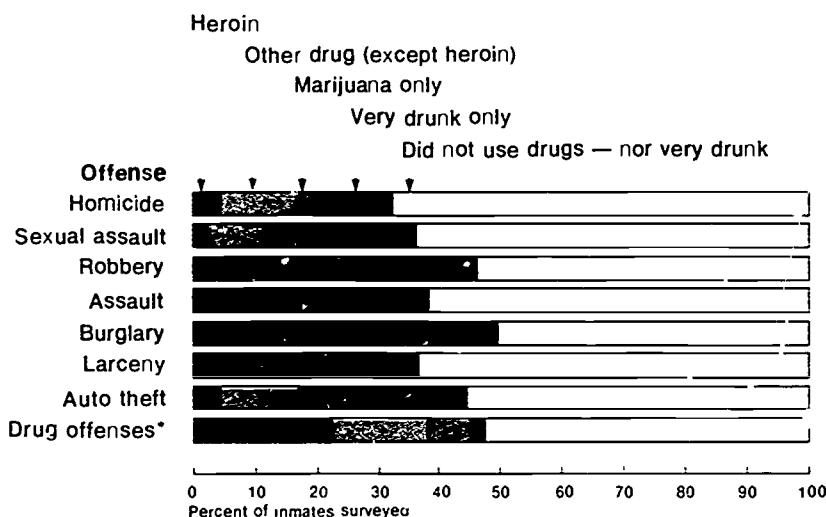
The RAND career criminal study found that, among felons, drug users committed more burglaries, con-type crimes, and drug sales than burglars, con-men, and drug dealers who did not use drugs. For other crimes there were no appreciable differences between drug users and nondrug users in either the number of prisoners involved or in the number of crimes they committed. Ball's study of Baltimore addicts showed that drug users committed an enormous number of crimes, mainly theft and drug dealing, and that, on average, the typical addict committed a crime every other day.

How does drug and alcohol use vary by crime?

Among prison inmates in 1979 about 35% of the property offenders, primarily burglars, and 38% of the robbers had been under the influence of drugs, mainly marijuana, at the time of the crime. By contrast, smaller proportions of murderers (21%) and rapists (22%) had been under the influence of drugs at the time of the crime for which they were incarcerated.

Similarly, among jail inmates in 1983 almost 1 in 3 convicted property offenders as compared with 1 in 4 violent offenders said they had been under the influence of drugs at the time of the current offense. Among property offenders the highest proportion using drugs at the time of the crime were those convicted of burglary (39%), auto theft (33%), or larceny (30%). Among violent offenders, robbers (31%) were

2 out of 5 prison inmates reported they were under the influence of drugs or were very drunk around the time of the offense



*Includes trafficking and possession

Source: BJS Survey of State Prison Inmates, 1979

the highest proportion who reported being under the influence of drugs at the time of the current crime.

Nearly half the incarcerated offenders had been drinking just prior to the current crime.

- About half the convicted offenders incarcerated for a violent crime had used alcohol before the crime. Alcohol use was particularly pervasive among persons convicted of assault (about 60%).
- Among property offenders, more than 4 in 10 convicted inmates had used alcohol just before the current crime.
- Nearly 3 in 10 convicted drug offenders had used alcohol before the current crime.

How do inmates vary in their drug use?

- Many inmates were under the influence of marijuana but usually in combination with other more serious drugs such as heroin.
- At the time of their offense, fewer jail inmates were under the influence of heroin (9% prison inmates, 5% jail inmates).
- 5% of the prison inmates were under the influence of cocaine at the time of their offense.
- Among prison inmates, women were more likely than men to have been under the influence of heroin (14% vs 8%).
- White prison inmates were more likely than black inmates to have been drinking heavily (39% vs 18%).

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The response to crime

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This chapter gives an overview of criminal justice at all levels of government—Federal, State, and local. It not only examines the criminal justice process and institutions but also the philosophical base and legal mandates of our system of justice. It contains data and research findings that quantify crucial actions at five key stages of the criminal justice process:

Entry into the system
Prosecution and pretrial services
Adjudication
Sentencing and sanctions
Corrections

The data presented answer such questions as—

How does the criminal justice system process cases? What is discretion and how is it exercised in the handling of criminal cases?

How much crime does the criminal justice system deal with?

How does police strength in your county compare to that of other counties? What is the relationship between police strength and crime?

What is the role of private security in crime control?

How many people were arrested in a typical year? For what offenses are they arrested? What percentage of crimes result in an arrest?

What is the role of the prosecutor?

How many arrests result in prosecution? How many prosecutions result in convictions?

To what extent are defendants released pending trial? How many released defendants fail to appear for trial or commit additional offenses?

What is the role of the public defender? How are defense services for indigents provided in your State?

Are juveniles handled differently than adults? Can juveniles be tried in a criminal court?

How are the Federal and State courts organized?

What are the main differences between adult and juvenile courts?

How many cases brought by the prosecutor result in guilty pleas? How many result in guilty verdicts? How often are cases tried before a jury?

How long does it take for a criminal case to move through the criminal justice system?

To what extent do requirements for jury duty vary among the States?

How many States recognize a defense of insanity? What is the difference between competency to stand trial and the insanity defense?

Is the criminal caseload of appeals courts increasing? In what circumstances are State cases reviewed by Federal courts?

What are the various sentencing alternatives?

In what ways have most States recently changed their approach to sentencing?

What drunk driving sanctions are available?

What is forfeiture? When is it used?

When is the death penalty used?

What sanctions are available for juvenile offenders?

How do sentence lengths differ from actual time served?

How many people are under some form of correctional supervision? Are correctional populations increasing? How many prisoners are confined in State and Federal institutions?

In what types of facilities are prisoners held? How densely populated are our prisons?

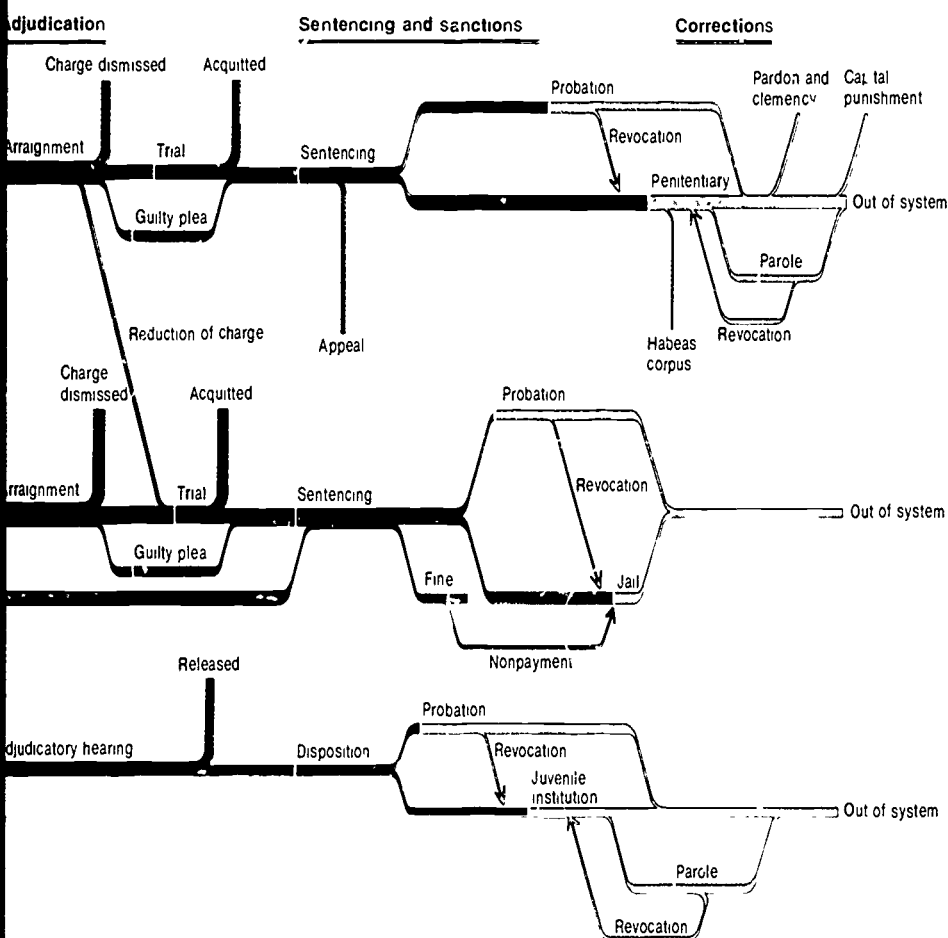
How many parolees return to prison? How many inmates were previously in prison?

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The response to crime is a complex process that involves citizens as well as many agencies, levels, and branches of government

Criminal cases may be handled differently in different jurisdictions, but court decisions based on the due process guarantees of the US Constitution

After an arrest, law enforcement agencies present information about the case and about the accused to the prosecutor, who will decide if formal charges will be filed with the court. If no charges are filed, the accused must be released. The prosecutor can also drop charges.



Source: Adapted from *The challenge of crime in a free society*, President's Commission on Law Enforcement and Administration of Justice, 1967

after making efforts to prosecute (*nolle prosequi*)

A suspect charged with a crime must be taken before a judge or magistrate without unnecessary delay. At the initial appearance, the judge or magistrate informs the accused of the charges and decides whether there is probable cause to detain the accused person. Often, the defense counsel is also assigned at the initial appearance. If the offense is not very serious, the determination of guilt and assessment of a penalty may also occur at this stage.

In some jurisdictions, a pretrial-release decision is made at the initial appearance, but this decision may occur at other hearings or may be changed at

another time during the process. Pretrial release and bail were traditionally intended to ensure appearance at trial. However, many jurisdictions permit pretrial detention of defendants accused of serious offenses and deemed to be dangerous to prevent them from committing crimes in the pretrial period. The court may decide to release the accused on his/her own recognizance, into the custody of a third party, on the promise of satisfying certain conditions, or after the posting of a financial bond.

In many jurisdictions, the initial appearance may be followed by a preliminary hearing. The main function of this hearing is to discover if there is probable cause to believe that the accused committed a known crime within the jurisdic-

tion of the court. If the judge does not find probable cause, the case is dismissed, however, if the judge or magistrate finds probable cause for such a belief, or the accused waives his or her right to a preliminary hearing, the case may be bound over to a grand jury.

A *grand jury* hears evidence against the accused presented by the prosecutor and decides if there is sufficient evidence to cause the accused to be brought to trial. If the grand jury finds sufficient evidence, it submits to the court an indictment (a written statement of the essential facts of the offense charged against the accused). Where the grand jury system is used, the grand jury may also investigate criminal activity generally and issue indictments called grand jury originals that initiate criminal cases.

Misdemeanor cases and some felony cases proceed by the issuance of an *information* (a formal, written accusation submitted to the court by a prosecutor). In some jurisdictions, indictments may be required in felony cases. However, the accused may choose to waive a grand jury indictment and, instead, accept service of an information for the crime.

Adjudication

Once an indictment or information has been filed with the trial court, the accused is scheduled for arraignment. At the arraignment, the accused is informed of the charges, advised of the rights of criminal defendants, and asked to enter a plea to the charges. Sometimes, a plea of guilty is the result of negotiations between the prosecutor and the defendant, with the defendant entering a guilty plea in expectation of reduced charges or a lenient sentence.

If the accused pleads guilty or pleads *nolo contendere* (accepts penalty without admitting guilt), the judge may accept or reject the plea. If the plea is accepted, no trial is held and the offender is sentenced at this proceeding or at a later date. The plea may be rejected if, for example, the judge believes that the accused may have been coerced. If this occurs, the case may proceed to trial.

If the accused pleads not guilty or not guilty by reason of insanity, a date is set for the trial. A person accused of a serious crime is guaranteed a trial by jury. However, the accused may ask for a bench trial where the judge, rather than a jury, serves as the finder of fact. In both instances the prosecution and defense present evidence by questioning witnesses while the judge decides on issues of law. The trial results in acquittal or conviction on the original charges or on lesser included offenses.

After the trial a defendant may request appellate review of the conviction or sentence. In many criminal cases appeals of a conviction are a matter of right, all States with the death penalty provide for automatic appeal of cases involving a death sentence. However, under some circumstances and in some jurisdictions, appeals may be subject to the discretion of the appellate court and may be granted only on acceptance of a defendant's petition for a *writ of certiorari*. Prisoners may also appeal their sentences through civil rights petitions and writs of habeas corpus where they claim unlawful detention.

Sentencing and sanctions

After a guilty verdict or guilty plea, sentence is imposed. In most cases the judge decides on the sentence, but in some States, the sentence is decided by the jury, particularly for capital offenses such as murder.

In arriving at an appropriate sentence, a sentencing hearing may be held at which evidence of aggravating or mitigating circumstances will be considered. In assessing the circumstances surrounding a convicted person's criminal behavior, courts often rely on presentence investigations by probation agencies or other designated authorities. Courts may also consider victim impact statements.

The sentencing choices that may be available to judges and juries include one or more of the following:

- the death penalty
- incarceration in a prison, jail, or other confinement facility
- probation—allowing the convicted person to remain at liberty but subject to certain conditions and restrictions

- fines—primarily applied as penalties in minor offenses
- restitution—which requires the offender to provide financial compensation to the victim

In many States, State law mandates that persons convicted of certain types of offenses serve a prison term.

Most States permit the judge to set the sentence length within certain limits, but some States have determinate sentencing laws that stipulate a specific sentence length, which must be served and cannot be altered by a parole board.

Corrections

Offenders sentenced to incarceration usually serve time in a local jail or a State prison. Offenders sentenced to less than 1 year generally go to jail, those sentenced to more than 1 year go to prison. Persons admitted to a State prison system may be held in prisons with varying levels of custody or in a community correctional facility.

A prisoner may become eligible for parole after serving a specific part of his or her sentence. Parole is the conditional release of a prisoner before the prisoner's full sentence has been served. The decision to grant parole is made by an authority such as a parole board, which has power to grant or revoke parole or to discharge a parolee altogether. The way parole decisions are made varies widely among jurisdictions.

Offenders may also be required to serve out their full sentences prior to release (expiration of term). Those sentenced under determinate sentencing laws can be released only after they have served their full sentence (mandatory release) less any "goodtime" received while in prison. Inmates get such credits against their sentences automatically or by earning it through participation in programs.

If an offender has an outstanding charge or sentence in another State, a detainer is used to ensure that when released from prison he or she will be transferred to the other State.

If released by a parole board decision or by mandatory release, the releasee

will be under the supervision of a parole officer in the community for the balance of his or her unexpired sentence. This supervision is governed by specific conditions of release, and the releasee may be returned to prison for violations of such conditions.

The juvenile justice system

The processing of juvenile offenders is not entirely dissimilar to adult criminal processing, but there are crucial differences in the procedures. Many juveniles are referred to juvenile courts by law enforcement officers, but many others are referred by school officials, social services agencies, neighbors, and even parents, for behavior or conditions that are determined to require intervention by the formal system for social control.

When juveniles are referred to the juvenile courts, their intake departments, or prosecuting attorneys, determine whether sufficient grounds exist to warrant filing a petition that requests an *adjudicatory hearing* or a request to transfer jurisdiction to criminal court. In some States and at the Federal level prosecutors under certain circumstances may file criminal charges against juveniles directly in criminal courts.

The court with jurisdiction over juvenile matters may reject the petition or the juveniles may be diverted to other agencies or programs in lieu of further court processing. Examples of diversion programs include individual or group counseling or referral to educational and recreational programs.

If a petition for an adjudicatory hearing is accepted, the juvenile may be brought before a court quite unlike the court with jurisdiction over adult offenders. In disposing of cases juvenile courts usually have far more discretion than adult courts. In addition to such options as probation, commitment to correctional institutions, restitution, or fines, State laws grant juvenile courts the power to order removal of children from their homes to foster homes or treatment facilities. Juvenile courts also may order participation in special programs aimed at shoplifting prevention, drug counseling, or driver education. They also may order referral to criminal court for trial as adults.

Despite the considerable discretion associated with juvenile court proceedings, juveniles are afforded many of the due-process safeguards associated with adult criminal trials. Sixteen States permit the use of juries in juvenile courts, however, in light of the U.S. Supreme Court's holding that juries are not essential to juvenile hearings, most States do not make provisions for juries in juvenile courts.

The response to crime is founded in the intergovernmental structure of the United States

Under our form of government, each State and the Federal Government has its own criminal justice system. All systems must respect the rights of individuals set forth in court interpretation of the U.S. Constitution and defined in case law.

State constitutions and laws define the criminal justice system within each State and delegate the authority and responsibility for criminal justice to various jurisdictions, officials, and institutions. State laws also define criminal behavior and groups of children or acts under jurisdiction of the juvenile courts.

Municipalities and counties further define their criminal justice systems through local ordinances that proscribe additional illegal behavior and establish the local agencies responsible for criminal justice processing that were not established by the State.

Congress also has established a criminal justice system at the Federal level to respond to Federal crimes such as bank robbery, kidnaping, and transporting stolen goods across State lines.

The response to crime is mainly a State and local function

Very few crimes are under exclusive Federal jurisdiction. The responsibility to respond to most crime rests with the State and local governments. Police protection is primarily a function of cities and towns. Corrections is primarily a function of State governments. More than three-fifths of all justice personnel are employed at the local level.

	Percent of criminal justice employment by level of government		
	Local	State	Federal
Police	77%	15%	8%
Judicial (courts only)	50	32	8
Prosecution and legal services	58	26	17
Public defense	47	50	3
Corrections	35	61	4
Total	62%	31%	8%

Source: Justice expenditure and employment 1985
BJS Bulletin March 1987

Discretion is exercised throughout the criminal justice system

Discretion is "an authority conferred by law to act in certain conditions or situations in accordance with an official's or an official agency's own considered judgment and conscience."¹ Discretion is exercised throughout the government. It is a part of decisionmaking in all government systems from mental health to education, as well as criminal justice.

Concerning crime and justice, legislative bodies have recognized that they cannot anticipate the range of circumstances surrounding each crime, anticipate local mores, and enact laws that clearly encompass all conduct that is criminal and all that is not.² Therefore, persons charged with the day-to-day response to crime are expected to exercise their own judgment within limits set by law. Basically, they must decide—

- whether to take action

- where the situation fits in the scheme of law, rules, and precedent
- which official response is appropriate

To ensure that discretion is exercised responsibly, government authority is often delegated to professionals. Professionalism requires a minimum level of training and orientation, which guides officials in making decisions. The professionalism of policing discussed later in this chapter is due largely to the desire to ensure the proper exercise of police discretion.

The limits of discretion vary from State to State and locality to locality. For example, some State judges have wide discretion in the type of sentence they may impose. In recent years other States have sought to limit the judges' discretion in sentencing by passing mandatory sentencing laws that require prison sentences for certain offenses.

Who exercises discretion?

These criminal justice officials	must often decide whether or not or how to—
Police	Enforce specific laws Investigate specific crimes Search people, vehicles, buildings Arrest or detain people
Prosecutors	File charges or petitions for adjudication Seek indictments Drop cases Reduce charges
Judges or magistrates	Set bail or conditions for release Accept pleas Determine delinquency Dismiss charges Impose sentence Revoke probation
Correctional officials	Assign to type of correctional facility Award privileges Punish for disciplinary infractions
Paroling authority	Determine date and conditions of parole Revoke parole

More than one agency has jurisdiction over some criminal events

The response to most criminal actions is usually begun by local police who react to violation of State law. If a suspect is apprehended, he or she is prosecuted locally and may be confined in a local jail or State prison. In such cases, only one agency has jurisdiction at each stage in the process.

However, some criminal events because of their characteristics and location may come under the jurisdiction of more than one agency. For example, such overlapping occurs within States when local police, county sheriffs, and State police are all empowered to enforce State laws on State highways.

Congress has provided for Federal jurisdiction over crimes that—

- materially affect interstate commerce
- occur on Federal land
- involve large and probably interstate criminal organizations or conspiracies
- are offenses of national importance, such as the assassination of the President.³

Bank robbery and many drug offenses are examples of crimes for which the States and the Federal Government both have jurisdiction. In cases of dual jurisdiction, an investigation and a prosecution may be undertaken by all authorized agencies, but only one level of government usually pursues a case. For example, a study of FBI bank robbery investigations during 1978 and 1979 found that of those cases

cleared—

- 36% were solved by the FBI alone
- 25% were solved by a joint effort of the FBI and State and local police
- 40% were solved by the State and local police acting alone

In response to dual jurisdiction and to promote more effective coordination, Law Enforcement Coordinating Committees have been established throughout the country and include all relevant Federal and local agencies.

Within States the response to crime also varies from one locality to another

The response differs because of statutory and structural differences and differences in how discretion is exercised. Local criminal justice policies and programs change in response to local attitudes and needs. For example, the prosecutor in one locality may concentrate on particular types of offenses that plague the local community while the prosecutor in another locality may concentrate on career criminals.

The response to crime also varies on a case-by-case basis

No two cases are exactly alike. At each stage of the criminal justice process officials must make decisions that take into account the varying factors of each case. Two similar cases may have very different results because of various factors, including differences in witness cooperation and physical evidence, the availability of resources to investigate and prosecute the case, the quality of the lawyers involved, and the age and prior criminal history of the suspects.

Differences in local laws, agencies, resources, standards, and procedures result in varying responses in each jurisdiction

The outcomes of arrests for serious cases vary among the States as shown by Offender-based Transaction Statistics from nine States.

	% of arrests for serious crimes that result in		
	Prosecution	Conviction	Incarceration
Virginia	100%	61%	55%
Nebraska	99	68	39
New York	97	67	31
Utah	97	79	9
Virgin Islands	95	55	35
Minnesota	89	69	48
Pennsylvania	85	56	24
California	78	61	45
Ohio	77	50	21

Source: Disaggregated data used in *Tracking offenders: White collar crime*. BJS Special Report, November 1986.

Some of this variation can be explained by differences among States. For example, the degree of discretion in deciding whether to prosecute differs from State to State; some States do not allow any police or prosecutor discretion, others allow police discretion but not prosecutor discretion and vice versa.

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Section 2. Entry into the criminal justice system

The system responds directly to a fraction of crime

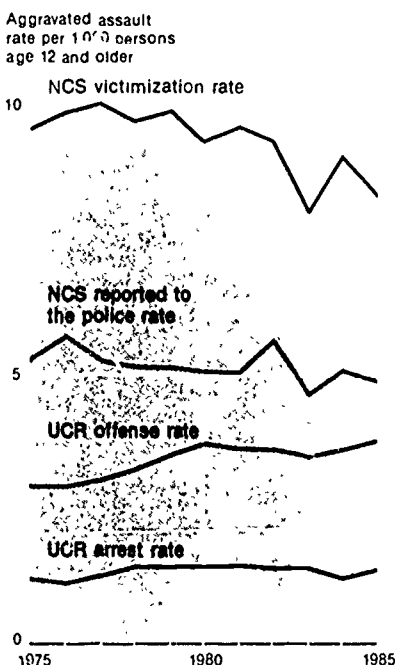
Most crime is not reported to police

As noted in chapter II, only about a third of all crimes are reported to police. The crimes most likely to be reported are those most serious in terms of injury and economic loss.

The criminal justice system responds to crimes brought to its attention by reports from citizens or through direct observation by law enforcement officers. Crimes are reported most often by the victim or a member of the victimized household. Police discover 3% of reported personal crimes and 2% of reported household crimes.

Most reported crimes are not solved by arrest. For that reason the proportion of crimes handled directly by the criminal justice system through the processing of suspects is relatively small. Directly, the criminal justice system may be dealing with more crime than appears from arrest data because the offenders who are processed may have committed much more crime than that for which they are arrested (see chapter III).

Fallout for the crime of aggravated assault is shown in this chart.



The first contact with the criminal justice system for most citizens is the police dispatcher

In many cities citizens can report crimes through a universal number, such as 911. In other cities the citizen must call the police directly. The dispatcher will ask for facts about the crime, such as what happened, where, when, whether or not it involved injury or loss. This information helps the police to select the most appropriate response.

Law enforcement is one of several police roles

The roles of police officers are—

- **Law enforcement**—applying legal sanctions (usually arrest) to behavior that violates a legal standard
- **Order maintenance**—taking steps to control events and circumstances that disturb or threaten to disturb the peace. For example, a police officer may be called on to mediate a family dispute, to disperse an unruly crowd, or to quiet an overly boisterous party.
- **Information gathering**—asking routine questions at a crime scene, inspecting victimized premises, and filling out forms needed to register criminal complaints.
- **Service-related duties**—a broad range of activities, such as assisting injured persons, animal control, or fire calls.

Wilson's analysis of citizen complaints radioed to police on patrol showed that—

- 10% required enforcement of the law
- more than 30% of the calls were appeals to maintain order
- 22% were for information gathering
- 38% were service-related duties

Most crime is not susceptible to a rapid police response

A study by the Police Executive Research Forum suggests that police response time is important in securing arrests only when they are called while the crime is in progress or within a few seconds after the crime was committed. Otherwise, the offender has plenty of time to escape.

In a study of response time in Kansas City, only about 6% of the callers reported crimes in progress. Where discovery crimes are involved (those noticed after the crime has been completed), few arrests may result even if citizen reporting immediately follows discovery, by this time the offender may be safely away. If a suspect is arrested, the length of delay between the offense and arrest may crucially affect the government's ability to prosecute the suspect successfully because of the availability of evidence and witnesses.

Today, police officers do not always respond to calls for service

Based on research and the desire for improved efficiency, many police departments now use a number of response alternatives to calls for service. The type of alternative depends on a number of factors such as whether the incident is in progress, has just occurred, or occurred some time ago and whether anyone is or could be injured. Police officers may be sent, but the call for service may also be responded to by—

- **Telephone report units** who take the crime report over the telephone. In some departments, more than a third of the calls are initially handled in this way.
- **Delayed response** if officers are not needed at once and can respond when they are available. Most departments state a maximum delay time, such as 30 to 45 minutes, after which the closest unit is assigned to respond.
- **Civilian personnel** trained to take reports, they may be evidence technicians, community service specialists, animal control officers, or parking enforcement officers.
- **Referral to other noncriminal justice agencies** such as the fire department, housing department, or social service agencies.
- **A request for a walk-in report** where the citizen comes to the police department and fills out a report.

A variety of public agencies provide protection from crime

Law enforcement evolved throughout U.S. history

In colonial times law was enforced by constables and a night watch made up of citizens who took turns watching for fires and unruly persons. By the beginning of the 19th century, most citizens who could afford it paid for someone else to take their watch.

The first publicly supported, centralized, consolidated police organization in the United States was established in New York in 1844. It was modeled after the London Metropolitan Police created in 1829 by Sir Robert Peel. Other major American cities adopted the same system soon after. Today, more than 90% of all municipalities with a population of 2,500 or more have their own police forces.

Rural policing in the United States developed from the functions of sheriffs

The office of sheriff, a direct import from 17th century England, was used primarily in the rural colonies of the South. As elected county officials, sheriffs had detention and political functions along with law enforcement responsibilities.

Originally responsible for large, sparsely populated areas, many sheriffs were faced with big city law enforcement problems because of urban growth after World War II. In some counties the sheriff's office has retained its detention functions, but law enforcement functions are handled by county police departments. In other counties the sheriff's office resembles many big city police departments. There are more than 3,000 sheriff's departments in the United States today.

Traditionally, the police function has been dominated by local governments

- In 1986 there were 11,743 municipal, 79 county, and 1,819 township general-purpose police agencies in the United States. Together, they employ 533,247 full-time equivalent employees.
- Other State and local law enforcement groups include State agencies such as the 51 State police and highway patrols and some 965 special police agencies including park rangers, harbor police, transit police, and campus security forces. Along with their independent responsibilities, these agencies often support local law enforcement on technical matters such as forensics and identification.
- The Federal Government employs 8% of all law enforcement personnel. Among the more than 50 Federal law enforcement agencies are the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, and Firearms (BATF), the Secret Service, and the Postal Inspection Service.

Urbanization and social change have had great impact on policing

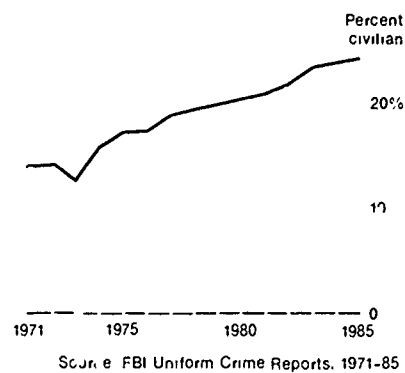
- The dramatic shift in population to urban areas since World War II has had great impact on the demand for police service. The percentage of police officers employed in urban areas rose from 68% in 1977 to 82% in 1982.
- During the recent period of increasing concern about employment discrimination against women and minorities, mostly white, male police departments have added women and minorities to their ranks. The proportion of sworn officers who were women went from 2% in 1971 to almost 7% in 1985. The proportion of police officers and detectives who were black went from 9% in 1983 to 12% in 1985.

Professionalism and advanced technology have also transformed policing in the past half century

- In 1982, 79% of police officers in a sample survey conducted by the FBI reported that they had done some college work. 23% of the respondents had received baccalaureate degrees.¹ Basic and in-service training is now regarded as indispensable. More than 670 training academies now exist in the United States.²
- In 1964 only one major police department was using automated data processing.³ More recent surveys suggest that virtually all jurisdictions of 50,000 or more population were using computers by 1981.⁴
- In 1922 less than 1,000 patrol cars were in use in the entire country.⁵ At that time, only one city had radio-equipped cars. Today, the patrol car has almost replaced the "beat cop" and police communications enable the patrol officer to have access to citizen calls for service as well as data banks on a variety of critical information, including outstanding warrants and stolen property.

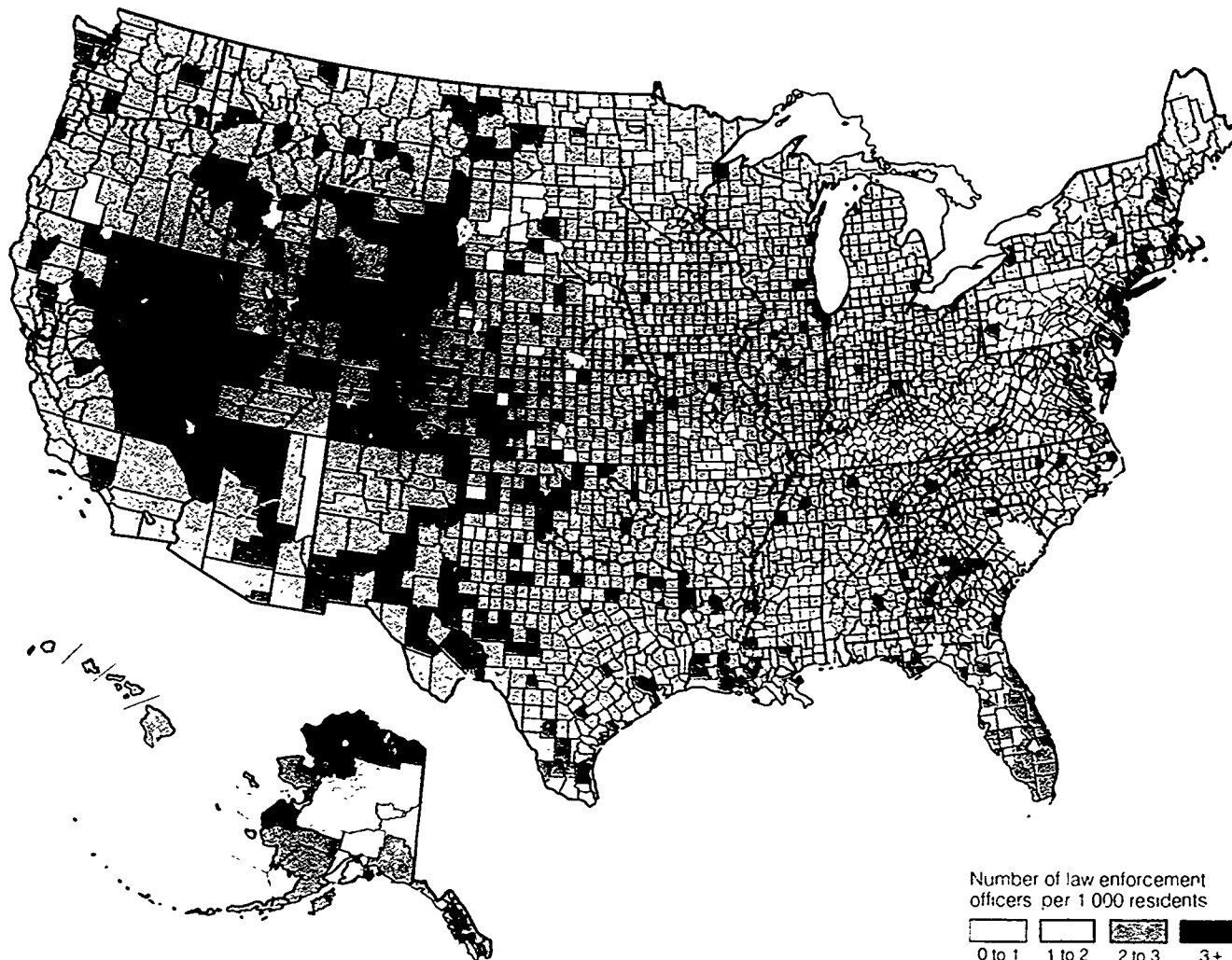
Increased civilian employment has also changed police agencies

- The increase results from the—
- desire to free up sworn officers for patrol duties
 - need for technical expertise, such as data processing.



The demand for law enforcement service varies among jurisdictions

Most counties have between 1 and 3 police officers per 1,000 residents



Source: *Compendium of public employment*, Census of Governments, U.S. Bureau of the Census, 1982

There is no standard level of police protection

Police employment in the United States ranges from 0 to 55 police per 1,000 residents, however, three-quarters of all counties have between 1 and 3 officers per 1,000 residents. The number of officers per 100 square miles ranges from 0 in some places in Alaska, where State police and Federal authorities enforce the law, to 8,667 in the boroughs of New York City. Yet, some counties that greatly differ in population and land area have similar levels of police protection. For example, San Diego county, with a population of more than 18 million in 1980 and Knox

County, Tennessee (containing the city of Knoxville), with a population of over 300,000, both have about 2 officers per 1,000 residents.

No single factor determines the police strength of a given area

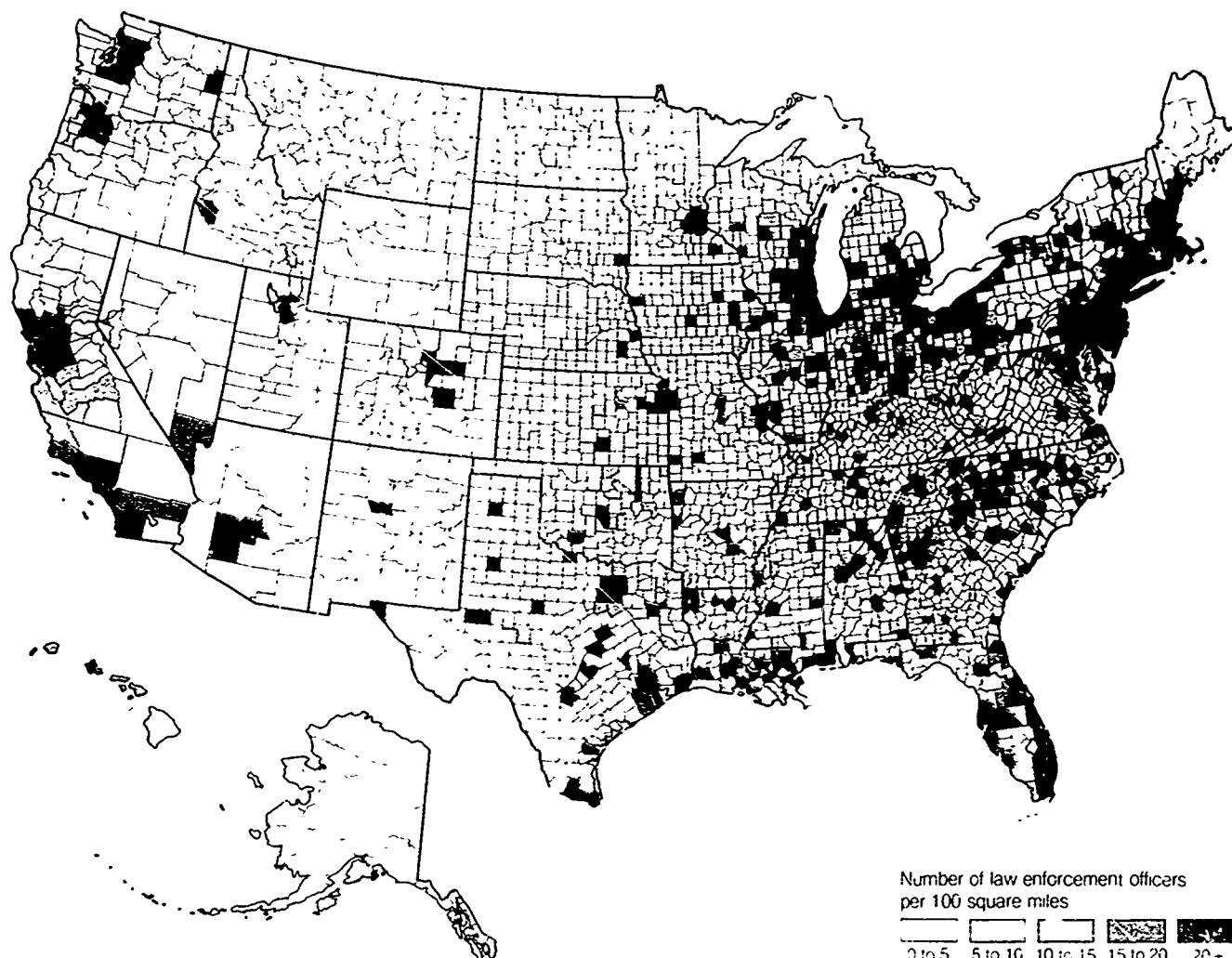
Decisions on the size of a police force may be determined by a variety of factors, including the budgetary constraints of a city or county (see chapter V).

- Many people believe that increased police employment will result in higher levels of protection and will lead to reductions in crime. Yet, researchers disagree about whether there is a relation-

ship between either the number of police officers on duty and the rate at which crime occurs or between crime rates and budget allocations for law enforcement. Some contend that if a relationship is to be found between crime rates and police, it may be associated more with the tactics of law enforcement officers than with their numbers.⁶

- The rate of law enforcement officers per capita shows little relationship to county population. The analysis of per capita police rates per county shows that the size of the law enforcement contingent is influenced more by such special factors as the presence of universities and large numbers of com-

Most counties have fewer than 5 police officers per 100 square miles



Source: Comparison of police employment, Census of Governments, U.S. Bureau of the Census, 1982

muters or tourists than by the size of the resident population

- The area of a county also shows little or no relationship to either police employment levels or the number of police per square mile (see map above). Some studies have shown that the strength of the police force is lessened as the enforcement area in square miles goes up⁷

- One factor that appears to contribute to police strength is density. As the number of residents per square mile increases, there is likely to be an increase in the number of police per capita

State and local police employment per capita rose by 63% in 25 years

Between 1957 and 1982 the number of police officers per 1,000 residents of the United States increased from 16 to 26. Around the same time, the reported crime rate rose 436% (from 1.1 UCR Index Crimes per 1,000 population in 1960 to 59 in 1980).

Between 1957 and 1982 growth in the number of police officers per capita—

- occurred in all regions of the country
- was highest (79%) in the North Central region

- was lowest (43%) in the Northeast, which in 1982 had the most police officers per capita

The greatest growth occurred between 1962 and 1972 (35%). More recently (1972-82) police employment continued to grow, but at a much slower rate. A recent study found that after rapid growth in the late 1960s and early 1970s, the number of police employees in 88 cities of at least 100,000 inhabitants has leveled off since 1972.

Private security plays an important role in crime control

Private security continues to grow

After public police agencies were formed in the mid-1800s, organized private law enforcement developed in response to—

- the lack of public police protection in the expanding West
- problems with interstate jurisdiction
- development of the railroad
- increased industrialization.

The first private security officer, Allan Pinkerton, had a tremendous impact on private security through his work with the railroads and through his establishment of the first private security firm. Owing to the lack of a Federal law enforcement agency, Pinkerton's security agency was hired by the Federal Government in 1861. More recently there has been increased need for private security, particularly to protect defense secrets and defense supplies provided by the private sector. More recent growth in private security is in response to growth of crime and security needs in businesses.

The private security industry protects private concerns against losses from accidents, natural disasters, or crime

This for-profit industry provides—

- personnel, such as guards, investigators, couriers, bodyguards
- equipment, including safes, locks, lighting, fencing, alarm systems, closed circuit television, smoke detectors, fire extinguishers, and automatic sprinkler systems
- services, including alarm monitoring, employee background checks and drug testing, evacuation planning, computer security planning, and polygraph testing

Private security is provided either by direct hiring (proprietary security) or by hiring specific services or equipment (contract security)

1.1 million people are estimated to be employed in private security

Proprietary security	448,979
Guards	346,326
Store detectives	20,106
Investigators	10,000
Other workers	12,215
Manager and staff	60,332
Contract security	640,640
Guards and investigators	541,600
Central alarm station	24,000
Local alarm	25,740
Armored car/courier	26,300
Security equipment	15,000
Specialized services	5,000
Security consultants	3,000
Total	1,100,000

Source: Cunningham and Taylor, *Private security and police in America: The Halcrest report* (Portland, Ore.: Charter Press, 1985).

The authority of private security personnel varies among States and localities

Many States give private security personnel authority to make felony arrests when there is "reasonable cause" to believe a crime has been committed. Unlike sworn police officers, private personnel are not obligated to tell arrestees of their rights. Private security usually cannot detain suspects or conduct searches without the suspect's consent. In some States laws give private security authority to act as "special police" within a specific jurisdiction, such as a plant, a store, or university campus.

Many private security firms are licensed or regulated

In some jurisdictions both State and local requirements must be met to obtain a license to provide private security.

At the State level—

- 35 States license guard and patrol firms
- 22 States and the District of Columbia require the registration of guards

- 37 States license private investigators.
- Alarm companies must obtain a license in 25 States and are regulated in 10 States.
- 8 States license armored car companies and 6 States license couriers
- In fewer than 12 States, the same agency or board regulates alarm companies and armored car firms, as well as guard, patrol, and investigative firms
- 3 States have independent regulatory boards; 6 States have such boards in State agencies
- Private security is regulated by the department of public safety or State police in 15 States, the department of commerce or occupational licensing agency in 7 States, and the department of state in 5 States

Public police are often employed by private security firms

Some police officers "moonlight" as private security officers in their off-duty hours. According to the Halcrest survey, 81% of the surveyed police departments permit moonlighting, but most estimated that 20% or less of their officers are working as private security personnel. Acting like a contract security firm, some police departments provide personnel to private concerns and use the revenue for the department.

Private security has continued to outnumber public police since the 1950s

Public police protection grew most rapidly in the late 1960s and early 1970s in response to increasing urbanization and crime rates. Public police protection has stabilized in the 1980s, but private security has continued to grow. Further growth of the private security industry is expected, particularly in relation to products using high technology, such as electronic access control and data encryption units for computer security systems.

Most criminal cases are initiated by arrest

When a crime has been committed, a suspect must be identified and apprehended for the case to proceed through the system

Sometimes a suspect is apprehended at the scene; however, extensive investigations may be required to identify a suspect, and in many cases, no one is identified or apprehended. Law enforcement agencies have wide discretion in determining when to make an arrest, but to arrest a suspect properly they must obtain an arrest warrant from the court prior to arrest or they must be able to show that at the time of arrest they had probable cause to believe that the suspect committed the crime. A suspect who is arrested (taken into physical custody) must then be booked (official recording of the offenses alleged and the identity of the suspect). In some States law enforcement agencies must fingerprint suspects at the time of arrest and booking.

Most persons enter the criminal justice system through arrest, but some enter in other ways

A person may be issued a citation by a police officer requiring a court appearance to answer a criminal charge. Generally, a citation creates an obligation to appear in court. However, in some jurisdictions, a payment of money can be made in lieu of a court appearance; the common example of such a provision is the case of a minor traffic violation. Alternatively, a person may be issued a summons (a written order by a judicial officer requiring an appearance in court to answer specific charges). A third way of entering the criminal justice system is through indictment by a grand jury. Such indictments usually follow the referral of allegations and evidence by the prosecutor. Occasionally, a grand jury will issue an indictment pursuant to a criminal investigation initiated by the prosecutor. Such an indictment is commonly known as a "grand jury original."

11.9 million arrests were reported by law enforcement agencies in 1985

Rank	Offense	Estimated number of arrests
1	All other offenses (except traffic)	2,489,200
2	Driving under the influence	1,788,400
3	Larceny-theft	1,348,400
4	Drunkenness	964,300
5	Drug abuse violations	811,400
6	Disorderly conduct	671,700
7	Simple assaults	637,600
8	Liquor law violations	548,600
9	Burglary	443,300
10	Fraud	342,600
11	Aggravated assault	305,390
12	Vandalism	259,600
13	Weapons carrying, possessing, etc.	180,900
14	Runaway	161,200
15	Robbery	136,870
16	Motor vehicle theft	133,900
17	Stolen property buying, receiving, possessing	127,100
18	Prostitution and commercial vice	113,800
19	Sex offenses (except forcible rape)	100,600
20	Forgery and counterfeiting	87,600
21	Curfew and loitering law violations	81,500
22	Offenses against family and children	58,800
23	Forcible rape	36,970
24	Vagrancy	33,800
25	Gambling	32,100
26	Arson	19,500
27	Murder and nonnegligent manslaughter	18,330
28	Suspicion	12,900
29	Embezzlement	11,400

*UCR Index Crimes

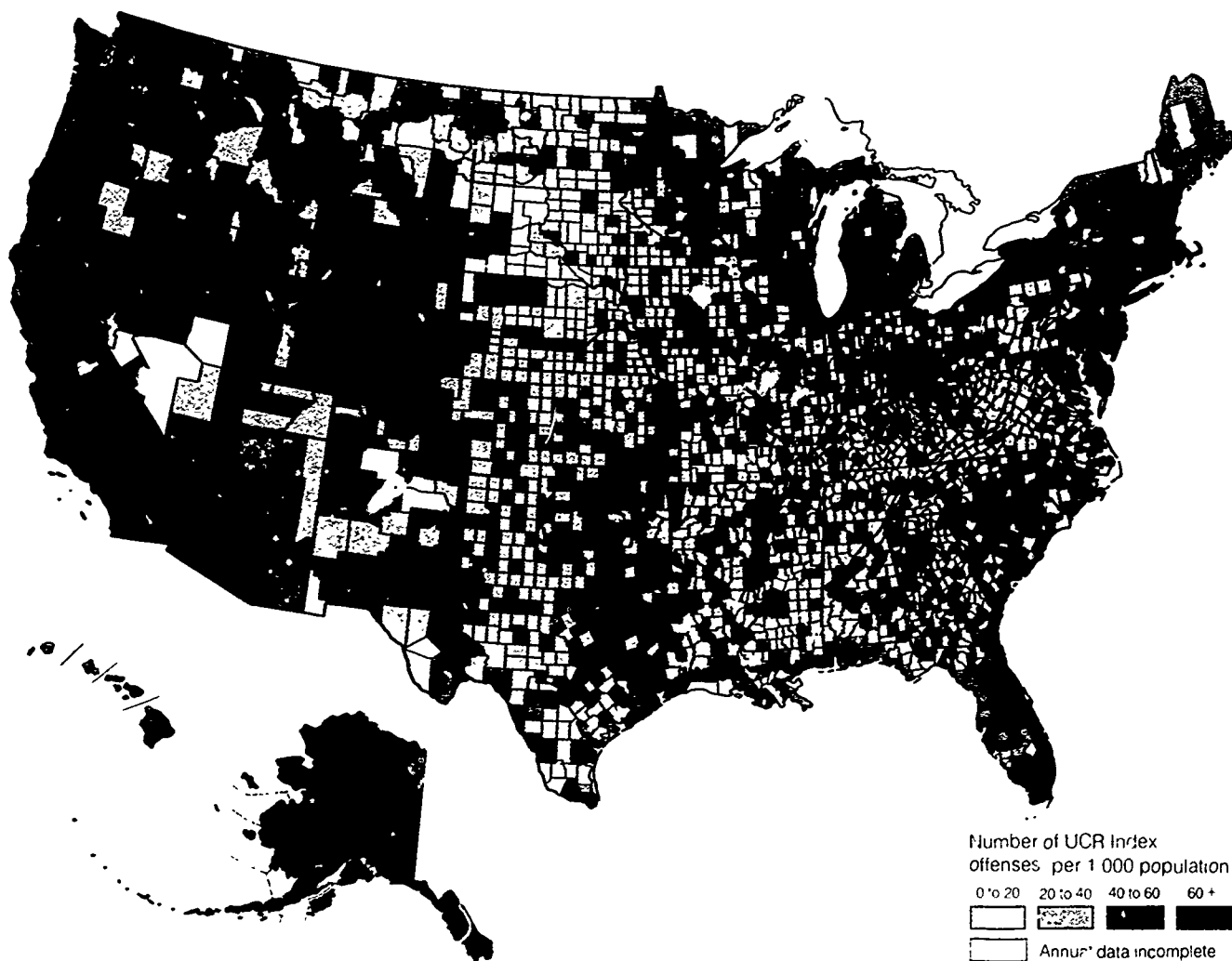
Source: FBI Crime in the United States 1985

Only one of every five arrests is for a UCR Index offense

- 21% of all arrests involved UCR Index crimes
- 28% of all arrests are directly related to drinking (driving under the influence, drunkenness, and liquor law violations)
- 7% of all arrests are drug abuse violations including sale, manufacture and/or possession of cocaine, heroin, marijuana or synthetic and other manufactured drugs

For most crimes, no one is apprehended

For every five offenses reported to police...



Source: FBI Uniform Crime Reports, 1974

When is a crime considered solved?

Law enforcement agencies measure solved cases by counting clearances, that is, the number of cases in which a known criminal offense has resulted in the arrest, citation, or summoning of a person in connection with the offense or in which a criminal offense has been "resolved" (location and identity of suspect known), but an arrest is not possible because of exceptional circumstances such as the death of the suspect or the refusal of the victim to prosecute.

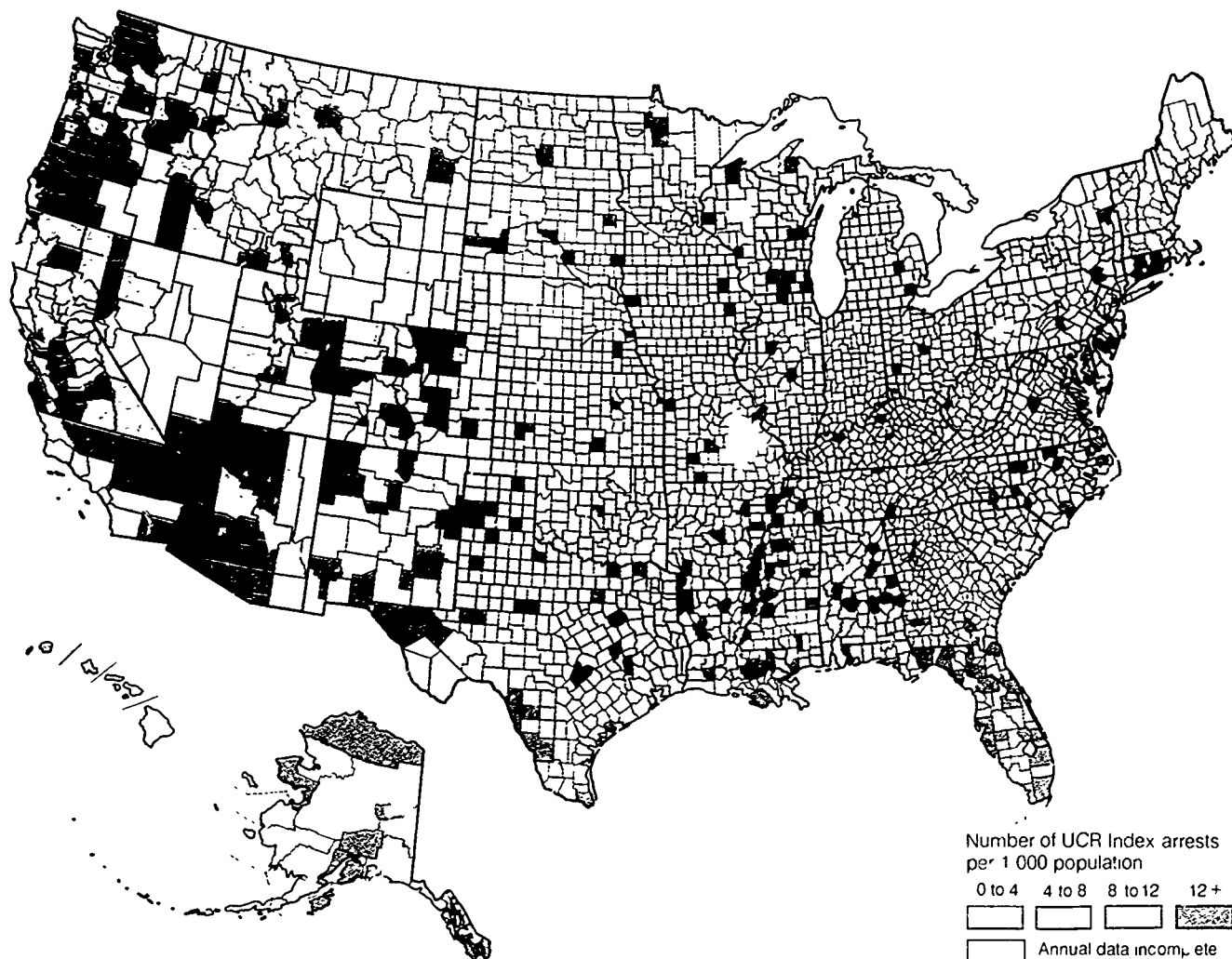
The interpretation of clearance statistics must be approached with caution. For example, a number of criminal offenses may be designated as cleared when a single offender has been apprehended for their commission. However, because the crimes may have involved the participation of multiple suspects, the term clearance may suggest that a criminal investigation has closed when in fact it may be continued until the remaining suspects are apprehended. Additionally, a case may be cleared even though the suspect will not be processed for that offense or is later absolved of wrongdoing.

Most crimes are not cleared by arrest

	Reported crimes cleared by arrest
Murder	72%
Aggravated assault	62
Forcible rape	54
Robbery	25
Larceny-theft	20
Motor vehicle theft	15
Burglary	14
All UCR Index Crimes	21%

Source: FBI Crime in the United States, 1985

...there is approximately one arrest



Source: FBI Uniform Crime Reports, 1984

Serious violent crimes are more likely to be cleared than serious property crimes

The rate of clearance for crimes of violence (murder, forcible rape, aggravated assault, and robbery) is nearly 48% vs the 18% clearance rate for property crimes (burglary, larceny, motor vehicle theft). This wide variation is largely because—

- victims often confront perpetrators in violent crimes
- witnesses are more frequently available in connection with violent crimes than with property crimes

- intensive investigative efforts are used more frequently with crimes of violence, resulting in a greater number of arrests

UCR Index arrest rates for counties tend to follow a pattern similar to crime rates

Counties with very high arrest rates tend to be in urban or resort areas, which also have high crime rates. Counties with low arrest rates do not display a consistent pattern, which is probably due in part to arrest reporting practices.

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Notes

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³Kent Colton, "Police and computers: Use,
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⁴*Survey of police operational and administra-
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⁵Herbert G. Locke, "The evolution of contem-
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Section 3. Prosecution and pretrial services

The prosecutor provides the link between the law enforcement and adjudicatory processes

The American prosecutor is unique in the world

First, the American prosecutor is a public prosecutor representing the people in matters of criminal law. Historically, European societies viewed crimes as wrongs against an individual whose claims could be pressed through private prosecution. Second, the American prosecutor is usually a local official, reflecting the development of autonomous local governments in the colonies. Finally, as an elected official, the local American prosecutor is responsible to the voters.

Prosecution is the function of representing the people in criminal cases

After the police arrest a suspect, the prosecutor coordinates the government's response to crime—from the initial screening, when the prosecutor decides whether or not to press charges, through trial. In some instances, it continues through sentencing with the presentation of sentencing recommendations.

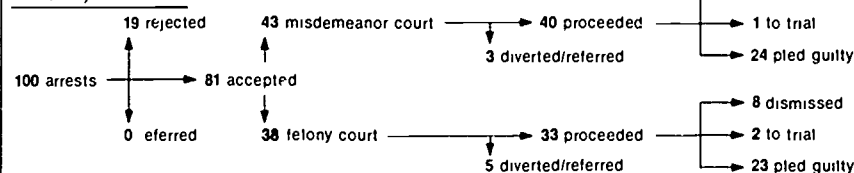
Prosecutors have been accorded much discretion in carrying out their responsibilities. They make many of the decisions that determine whether a case will proceed through the criminal justice process.

Prosecution is predominantly a State and local function

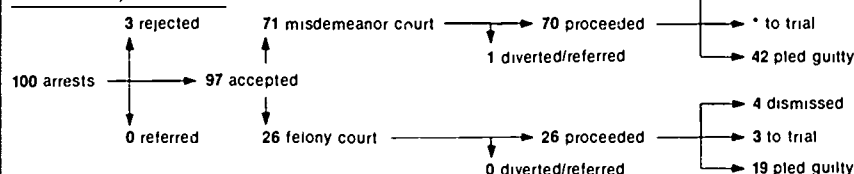
Prosecuting officials include State, district, county, prosecuting, and commonwealth attorneys, corporation counsels, circuit solicitors, attorneys general, and US attorneys. Prosecution is carried out by more than 8000 State, county, municipal, and township prosecution agencies.¹ In all but five States, local prosecutors are elected officials. Many small jurisdictions engage a part-time prosecutor who also maintains a private law practice. In some areas police share the charging responsibility of local prosecutors. Prosecutors in urban jurisdictions often have offices staffed by many full-time assistants. Each State has an office of the attorney general, which has jurisdiction over all matters involving State law but generally, unless specifically requested, is not involved in local prosecution.

Differences in how prosecutors handle felony cases can be seen in 4 jurisdictions

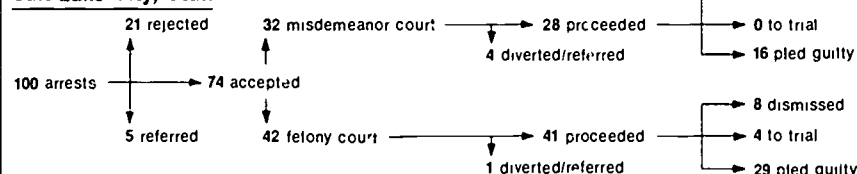
Golden, Colorado



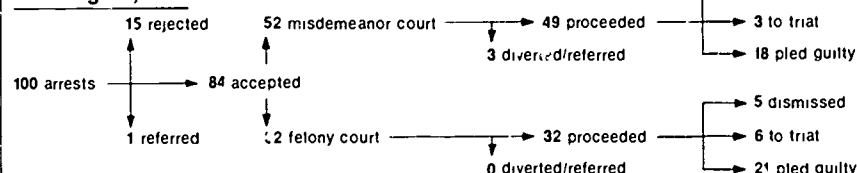
Manhattan, New York



Salt Lake City, Utah



Washington, D.C.



¹ Less than 5%

Source: Barbara Boland with Ronald Sones, INSLAW, Inc., *The prosecution of felony arrests, 1981*, EJS, 586

cution. Federal prosecution is the responsibility of 93 US attorneys who are appointed by the President subject to confirmation by the Senate.

The decision to charge is generally a function of the prosecutor

Results of a 1981 survey of police and prosecution agencies in localities of over 100,000 indicate that police file initial charges in half the jurisdictions surveyed. This arrangement, sometimes referred to as the police court, is not commonly found in the larger urban areas that account for most of the UCR

Index crime. Usually, once an arrest is made and the case is referred to the prosecutor, most prosecutors screen cases to see if they merit prosecution. The prosecutor can refuse to prosecute, for example, because of insufficient evidence. The decision to charge is not usually reviewable by any other branch of government.

Some prosecutors accept almost all case for prosecution; others screen out many cases

Some prosecutors have screening units designed to reject cases at the earliest possible point. Others tend to accept most arrests, more of which are dismissed by judges later in the adjudication process. Most prosecutor offices fall somewhere between these two extremes

Arrest disposition patterns in 16 jurisdictions range from 0 to 47% of arrests rejected for prosecution. Jurisdictions with high rejection rates generally were found to have lower rates of dismissal at later stages of the criminal process. Conversely, jurisdictions that accepted most or all arrests usually had high dismissal rates

Prosecutorial screening practices are of several distinct types

Several studies conclude that screening decisions consider—

- evidentiary factors
- the views of the prosecutor on key criminal justice issues
- the political and social environment in which the prosecutor functions
- the resource constraints and organization of prosecutorial operations

Jacoby's study confirmed the presence of at least three policies that affect the screening decision

- Legal sufficiency—an arrest is accepted for prosecution if, on routine review of the arrest, the minimum legal elements of a case are present
- System efficiency—arrests are disposed as quickly as possible by the fastest means possible, which are rejections, dismissals, and pleas
- Trial sufficiency—the prosecutor accepts only those arrests for which, in his or her view, there is sufficient evidence to convict in court

The official accusation in felony cases is a grand jury indictment or a prosecutor's bill of information

According to Jacoby, the accusatory process usually follows one of four paths

- arrest to preliminary hearing for bind-over to grand jury for indictment
- arrest to grand jury for indictment
- arrest to preliminary hearing to a bill of information
- a combination of the above at the prosecutor's discretion

Whatever the method of accusation, the State must demonstrate only that there is probable cause to support the charge

The preliminary hearing is used in some jurisdictions to determine probable cause

The purpose of the hearing is to see if there is probable cause to believe a crime has been committed and that the defendant committed it. Evidence may be presented by both the prosecution and the defense. On a finding of probable cause the defendant is held to answer in the next stage of a felony proceeding

The grand jury emerged from the American Revolution as the people's protection against oppressive prosecution by the State

Today, the grand jury is a group of ordinary citizens, usually no more than 23, which has both accusatory and investigative functions. The jury's proceedings are secret and not adversarial so that most rules of evidence for trials do not apply. Usually, evidence is presented by the prosecutor who brings a case to the grand jury's attention. However, in some States the grand jury is used primarily to investigate issues of public corruption and organized crime

Some States do not require a grand jury indictment to initiate prosecutions

Grand jury indictment required

All crimes
New Jersey
South Carolina
Tennessee
Virginia

All felonies
Alabama
Alaska
Delaware
District of Columbia
Georgia
Hawaii
Kentucky
Maine
Mississippi
New Hampshire
New York
North Carolina
Ohio
Texas
West Virginia

Capital crimes only
Connecticut
Florida
Louisiana
Massachusetts
Minnesota
Rhode Island

Grand jury indictment optional

Arizona
Arkansas
California
Colorado
Idaho
Illinois
Indiana
Iowa
Kansas
Maryland
Michigan
Missouri
Montana
Nebraska
Nevada
New Mexico
North Dakota
Oklahoma
Oregon
South Dakota
Utah
Vermont
Washington
Wisconsin
Wyoming

Grand jury lacks authority to indict

Pennsylvania

Note: With the exception of capital cases a defendant can always waive the right to an indictment. Thus, the requirement for an indictment to initiate prosecution exists only in the absence of a waiver

Source: Deborah Day Emerson, *Grand jury reform: A review of key issues*. National Institute of Justice, U.S. Department of Justice, January 1983

The secrecy of the grand jury is a matter of controversy

Critics of the grand jury process suggest it denies due process and equal protection under the law and exists only to serve the prosecutor. Recent criticisms have fostered a number of reforms requiring due process protections for persons under investigation and for witnesses, requiring improvements in the quality and quantity of evidence presented, and opening the proceeding to outside review. While there is much variation in the nature and implementation of reforms, 15 States have enacted laws affording the right to counsel, and 10 States require evidentiary standards approaching the requirements imposed at trial

Why are some cases rejected or dismissed?

Once charges are filed, a case may be terminated only by official action

The prosecutor can drop a case after making efforts to prosecute (*nolle prosequi*), or the court can dismiss the case on motion of the defense on grounds that the government has failed to establish that the defendant committed the crime charged. The prosecution also may recommend dismissal, or the judge may take the initiative in dismissing a case. A dismissal is an official action of the court.

What are the most common reasons for rejection or dismissal?

Many criminal cases are rejected or dismissed because of—

- **insufficient evidence** that results from a failure to find sufficient physical evidence that links the defendant to the offense
- **witness problems** that arise, for example, when a witness fails to appear, gives unclear or inconsistent statements, is reluctant to testify, is unsure of the identity of the offender or where a prior relationship may exist between the victim/witness and offender
- **the interests of justice**, wherein the prosecutor decides not to prosecute certain types of offenses, particularly those that violate the letter but not the spirit of the law (for example, offenses involving insignificant amounts of property damage)
- **due process problems** that involve violations of the Constitutional requirements for seizing evidence and for questioning the accused
- **a plea on another case**, for example, when the accused is charged in several cases and the prosecutor agrees to drop one or more of the cases in exchange for a plea of guilty on another case
- **pretrial diversion** that occurs when the prosecutor and the court agree to drop charges when the accused successfully meets the conditions for diversion, such as completion of a treatment program
- **referral for other prosecution**, such as when there are other offenses, perhaps of a more serious nature, in a different jurisdiction, or deferral to Federal prosecution

Evidence problems are the most common reason for prosecutors to reject cases

Percent of felony arrests declined for prosecution because of —

Jurisdiction	Declined cases*	Insufficient evidence	Witness problems	Due process problems	Interest of justice	Plea on another case	Referral to diversion	Referral for other prosecution	Other
Golden, Colo.	41	59%	27%	2%	5%	2%	2%	2%	0%
Greeley, Colo.	235	52	7	0	38	0	—	2	0
Manhattan, NY	995	61	23	5	4	0	—	3	4
New Orleans, La.	4,114	38	30	12	8	0	7	4	—
Salt Lake City, Utah	973	58	12	1	8	1	2	19	—
San Diego, Calif.	4,940	54	15	6	9	1	0	9	7
Washington, DC	1,535	30	24	—	13	0	—	3	29

*Excludes cases for which reasons are unknown
— Insufficient data to calculate

Source: Barbara Boland with Ronald Sones, INSLAW, Inc.
Prosecution of felony arrests 1981 BJS 1986

Guilty pleas on other charges are a major cause of dismissals

Percent of cases dismissed because of —

Jurisdiction	Dismissed cases*	Insufficient evidence	Witness problems	Due process problems	Interest of justice	Plea on another case	Referral to diversion	Referral for other prosecution	Other
Brighton, Colo.	443	16%	7%	1%	10%	43%	21%	2%	0%
Colorado Springs, Colo.	675	13	11	2	3	40	16	14	0
Fort Collins, Colo.	257	4	5	1	5	41	27	15	0
Golden, Colo.	709	14	14	1	7	38	17	9	0
Greeley, Colo.	207	12	25	1	4	18	20	20	0
Indianapolis, Ind.	639	27	15	1	33	21	—	1	1
Los Angeles, Calif.	8,351	29	16	2	17	2	10	10	14
Louisville, Ky.	272	11	10	3	28	5	15	3	24
Manhattan, NY	10,233	26	24	1	17	4	0	1	26
New Orleans, La.	429	22	16	20	15	6	7	1	14
Portland, Ore.	906	15	22	—	6	23	7	13	13
Pueblo, Colo.	146	16	11	2	7	43	14	6	0
St. Louis, Mo.	1,097	22	20	9	4	10	—	1	32
Salt Lake City, Utah	917	16	17	1	2	27	9	9	19
San Diego, Calif.	2,630	25	11	3	7	18	10	6	20
Washington, DC	3,656	21	16	1	4	0	7	1	41

Note: Dismissed cases in this table include diversions

*Excludes cases for which reasons are unknown
— Insufficient data to calculate

Source: Barbara Boland with Ronald Sones, INSLAW, Inc.
Prosecution of felony arrests 1981 BJS 1986

A prior relationship between victim and defendant is a major cause of witness problems

Williams found that problems with the complaining witness accounted for 61% of the refusals to prosecute violent crimes by nonstrangers and 54% of the dismissals.² Conviction rates are commensurately lower in such cases involving family acquaintances. Forst showed that in New Orleans the conviction rate for crimes by strangers was 48%, but only 30% for crimes by friends or acquaintances and 19% for crimes by family members.³

The Fourth Amendment prohibits unreasonable searches and seizures in the collection of evidence

Under the exclusionary rule, evidence obtained in violation of the Fourth Amendment may not be used in criminal proceedings. Both the police and prosecutors drop cases based on what they find is improperly obtained evidence.

In five jurisdictions studied, Boland found that drug cases were more likely than other felonies to be rejected by prosecutors because of due process problems.

The Sixth Amendment of the Constitution provides the accused the right to be assisted by counsel

The defense attorney's function is to protect the defendant's legal rights and to be the defendant's advocate in the adversary process

Defendants have the right to defend themselves, but most prefer to be represented by a specialist in the law. Relatively few members of the legal profession specialize in criminal law, but lawyers who normally handle other types of legal matters may take criminal cases.

The right to the assistance of counsel is more than the right to hire a lawyer

Supreme Court decisions in *Gideon v. Wainwright* (1963) and *Argersinger v. Hamlin* (1972) established that the right to an attorney may not be frustrated by lack of means. For both felonies and misdemeanors for which jail or prison can be the penalty, the State must provide an attorney to any accused person who is indigent.

The institutional response to this Constitutional mandate is still evolving as States experiment with various ways to provide legal counsel for indigent defendants.

A defendant is entitled to representation by counsel at every critical step in the criminal justice process

The Sixth Amendment provides the right to counsel in criminal prosecution but does not specify what steps or proceedings are included. Through the years the Supreme Court has held that a defendant has the right to counsel at such critical steps as police interrogation, police lineup, preliminary hearing, and appeal, as well as probation and parole revocation proceedings.

Assigned counsel systems continue to dominate defender systems

About 60% of U.S. counties used assigned counsel in 1983 (down from 72% in 1973); 34%, public defenders, and 6%, contract attorneys.

Who defends indigents?

• **Public defender programs** are public or private nonprofit organizations with full- or part-time salaried staff. Within the public defender classification, there are two categories—statewide and local. Under statewide systems, one person, designated by statutes of the State as the public defender, is charged with developing and maintaining a system of representation for each county in the State. Often a governing board shares responsibility for program operation. By contrast, most local public defenders operate autonomously and do not have a central administrator.

• **Assigned counsel systems** involve the appointment by the courts of private attorneys as needed from a list of available attorneys. There are two main types of assigned counsel systems. *Ad hoc assigned counsel systems* in which individual private attorneys are appointed by individual judges and provide representation on a case-by-case basis. *Coordinated systems* have an administrator who oversees the appointment of counsel and develops a set of standards and guidelines for program administration; coordinated systems are sometimes indistinguishable from public defender programs.

• **Contract systems** involve government contracting with individual attorneys, bar associations, or private law firms to provide services for a specified dollar amount. County agencies are usually responsible for the award of defender services contracts, and they are now frequently awarded to individual practitioners as opposed to law firms or other organized groups.

Local public defenders operate autonomously in 32 States and the District of Columbia, and 15 States have a State-administered system. Public defender systems are the dominant form in 43 of the 50 largest counties and, overall, serve 68% of the Nation's population.

Ad hoc systems represent about 75% of all assigned counsel programs. The others are part of a coordinated system of indigent defense. Though such counsel systems operate in almost two-thirds of the counties, they predominate in small counties with fewer than 50,000 residents.

Contract systems are a relatively new way to provide defense services. They are found in small counties (less than 50,000) and very large ones. They vary considerably in organization, funding, and size. In about a fourth of the counties reporting them, they serve as an overflow for public defender offices and also represent codefendants in cases of conflict of interest.

Source: Robert L. Spangenberg et al. of Abt Associates, Inc. BJS National Criminal defense systems study, October 1986.

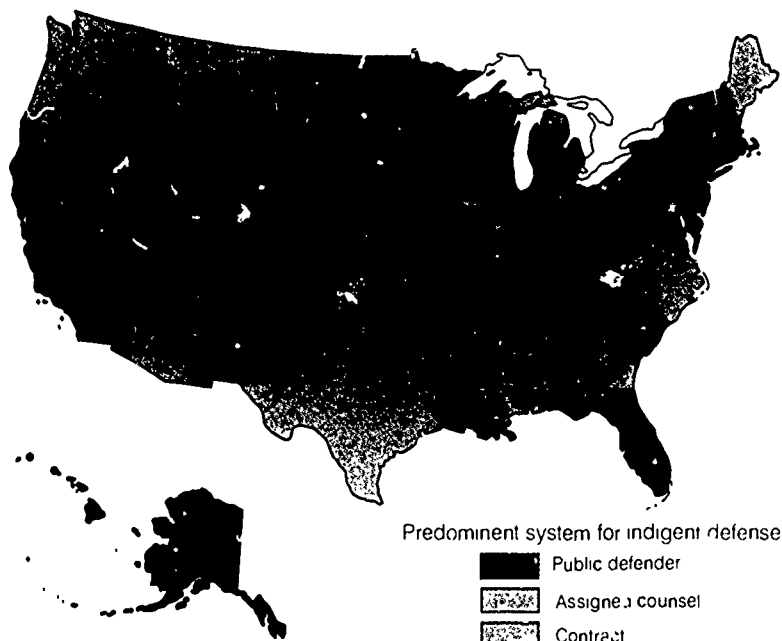
Each State adopts its own approach to providing counsel for indigents

Among the States—

- Some provide counsel to all indigents charged with a misdemeanor, other States provide counsel only to those for whom a jail or prison term is possible
- Some assess the cost of an attorney against the defendant and collect for it in installments after the trial, others provide counsel completely free of charge.

These options are often used in combination.

What type of indigent defense delivery system is used by the majority of counties in each State?



Source: Robert L. Spangenberg et al. of Abt Associates, Inc.
BJS National criminal defense systems study, October 1986
updated by the Spangenberg Group, March 1987

Standards and procedures vary for determining indigency

Estimates of indigency rates from the national Indigent Defense Survey indicate that more than 40% of all defendants charged with felonies are classified as indigent even though the States use different levels of income to determine indigency. Indigency rates for defendants charged with a misdemeanor are much lower because the eligibility criteria for misdemeanants are more restrictive in many States.

Organization and funding of indigent defense programs also vary among the States

Indigent defense—

- is completely funded in 18 States and the District of Columbia
- partially funded in 22 States
- funded by the county, sometimes assisted by municipalities, the Federal Government, and private grants in 11 States

In 33 States indigent defense services are organized at the county level alone or in combination with a statewide system or with judicial districts; 13 States have statewide organizations only; 4 States rely on judicial districts.

Case assignments to attorneys representing indigents usually are made within 48 hours of arrest

Traditionally, in many jurisdictions attorneys who provide indigent defense services were not appointed until formal arraignment. The time between arrest and arraignment may exceed 30 days in some counties. A third of all counties surveyed in the last national survey of public defense services reported that counsel was appointed within 1 day of arrest. More than half of all sample counties (58%) reported appointment within 48 hours of arrest.

Early representation is most likely to occur in counties serviced by public defenders; 39% of all public defender counties reported that representation was provided within 24 hours, 33% of counties served by assigned counsel and 12% of counties served by contract systems reported similar representation.

Most defendants are eligible for release pending trial

The traditional objective of bail and other pretrial release options is to assure appearance at trial

In medieval times the accused was bailed to a third party who would be tried in place of the accused if the accused failed to appear. As the system evolved, the guarantee became the posting of a money bond that was forfeited if the accused failed to appear. In the United States the Eighth Amendment states that bail shall not be excessive, but it does not grant the right to bail in all cases. The right to bail for many offenses was established by Federal and State laws early in our history.

The modern bail reform movement resulted in new release options

The movement was based on the belief that detaining the poor because they could not afford bail violated their right against excessive bail. In the early 1960s, seeking alternatives to the commercial bail bondsman, the Vera Institute created the Manhattan bail project, which showed that defendants with community ties could be released without bail and still return for trial at the same or better rates as those on money bail.

More than 300 pretrial service programs now operate throughout the Nation.⁴ These programs are responsible for defining and screening a target population of offenders who can be released before trial as a means of preventing unnecessary detention of persons unlikely to flee before trial and/or to commit other crimes while on release.

After the Federal Bail Reform Act of 1966 many States passed laws that limited the role of bondsmen. Five States (Kentucky, Oregon, Wisconsin, Nebraska, and Illinois) have eliminated bail bonding for profit. Kentucky dealt with both bondsmen and release programs in 1976 when it banned bondsmen and set up a statewide system of pretrial services agencies.

Both financial bonds and alternative release options are used today

Financial bond

Fully secured bail—The defendant posts the full amount of bail with the court.

Privately secured bail—A bondsman signs a promissory note to the court for the bail amount and charges the defendant a fee for the service (usually 10% of the bail amount). If the defendant fails to appear, the bondsman must pay the court the full amount. Frequently, the bondsman requires the defendant to post collateral in addition to the fee.

Deposit bail—The courts allow the defendant to deposit a percentage (usually 10%) of the full bail with the court. The full amount of the bail is required if the defendant fails to appear. The percentage bail is returned after disposition of the case, but the court often retains 1% for administrative costs.

Unsecured bail—The defendant pays no money to the court but is liable for the full amount of bail should he or she fail to appear.

Alternative release options

Release on recognizance (ROR)—The court releases the defendant on the promise that he or she will appear in court as required.

Conditional release—The court releases the defendant subject to his or her following specific conditions set by the court, such as attendance at drug treatment therapy or staying away from the complaining witness.

Third party custody—The defendant is released into the custody of an individual or agency that promises to assure his or her appearance in court. No monetary transactions are involved in this type of release.

Citation release—Arrestees are released pending their first court appearance on a written order issued by law enforcement personnel.

Bail reform and other factors appear to have increased the number of people being released prior to trial

A 1976 study in 20 cities found that the release rate had risen from 48% in 1962 to 67% in 1971.⁵ More recently, Toborg found that 85% of the defendants in her eight-site sample were released prior to trial.

Most unconvicted jail inmates have had bail set

Of 88,120 unconvicted jail inmates surveyed in 1983, 87% had bail set and 13% had not had bail set.

Of jail inmates for whom bail had been set, 94% could not afford the bond that had been set. They were mainly probationers or parolees whose release had been revoked or persons charged with offenses for which bail is not permitted.

Most defendants are not detained prior to trial

In Toborg's study, 85% of defendants in her eight-site sample were released before trial. Some jurisdictions are much less likely than others to release defendants on nonfinancial conditions, but the overall rate of release is similar. Some jurisdictions detain a high proportion of defendants at the time of arraignment, but eventually release most of

them before trial. According to Brosi, the detention rate in Salt Lake City dropped from 41% at arraignment to between 10% and 12% before trial.

Data from the Federal system show similar results in that less than 18% of all defendants charged are detained prior to trial.

How many released defendants fail to appear in court?

Pryor and Smith found that—

- Upwards of 85% of all defendants released pending trial appeared for all court sessions
- People charged with the more serious offenses were more likely to appear
- Willful failure to appear where the defendant absconds or is returned by force did not exceed 4% of all released defendants

How many of those released are rearrested prior to trial?

In Toborg's study of eight jurisdictions—

- % of all released defendants were rearrested, rates for individual jurisdictions ranged from 8% to 22%
- 30% of those rearrested were rearrested more than once
- About half of those rearrested were later convicted

This is consistent with Pryor and Smith's analysis of release research that found rearrest rates between 10% and 20% with about half of those rearrested being convicted.

A study of pretrial misconduct in the Federal system indicates a relationship between the length of time on bail and the likelihood of a rearrest, a failure to appear for a court date, and/or a violation of release conditions. The probability of misconduct was 10% for defendants who were on bail for 90 days, 14% for defendants on bail for 180 days, and 17% for defendants who were free for 270 days.

Many States have shown concern about the effect of pretrial release on community safety

Gaynes has noted that at the State level most changes in pretrial release practices prompted by concern over community safety have been enacted within the past decade, many since 1979. In 1982 voters in five States (Arizona, California, Colorado, Florida, and Illinois) approved constitutional amendments limiting the right to bail to assure community safety in pretrial release. Iowa passed a public danger law in 1980 and in 1984 the Federal Bail Reform Act was passed. As of 1984, 32 States, the District of Columbia, and the Federal Government permitted judges to consider danger to the community when setting bail or other pretrial release conditions. The use of these provisions varies widely from State to State.

The enactment of State public danger laws does not guarantee their implementation

A recent study of pretrial crime in four jurisdictions shows that pretrial hearings for defendants charged with rape, robbery, or another felony while on bail resulted more often in the setting of money bail than the use of any other danger law provisions. Pretrial rearrest rates for these defendants ranged from 9% to 41%.

Danger laws in the Federal justice system appear to be invoked more readily than in the States. Of the close to 1,500 detention hearings held in the first 12 months after passage of bail reform laws in the Crime Control Act of 1984, 82% resulted in preventive detention.

About three-fifths of the States have one or more provisions to ensure community safety in pretrial release

Type of provision	States that have enacted the provision
Exclusion of certain crimes from automatic bail eligibility	Colorado, District of Columbia, Florida, Georgia, Michigan, Nebraska, Wisconsin
Definition of the purpose of bail to ensure appearance and safety	Alaska, Arizona, California, Delaware, District of Columbia, Florida, Hawaii, Minnesota, South Carolina, South Dakota, Vermont, Virginia, Wisconsin
Inclusion of crime control factors in the release decision	Alabama, California, Florida, Georgia, Minnesota, South Dakota, Wisconsin
Inclusion of release conditions related to crime control	Alaska, Arkansas, Colorado, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Minnesota, New Mexico, North Carolina, South Carolina, South Dakota, Vermont, Virginia, Washington, Wisconsin
Limitations on the right to bail for those previously convicted	Colorado, District of Columbia, Florida, Georgia, Hawaii, Indiana, Michigan, New Mexico, Texas, Utah, Wisconsin
Revocation of pretrial release when there is evidence that the accused committed a new crime	Arizona, Arkansas, Colorado, District of Columbia, Georgia, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Nevada, New Mexico, New York, Rhode Island, Texas, Utah, Vermont, Wisconsin
Limitations on the right to bail for crimes alleged to have been committed while on release	Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York, Rhode Island, Tennessee, Texas, Utah, Vermont, Wisconsin
Provisions for pretrial detention to ensure safety	Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Mexico, New York, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin

Source: Elizabeth Gaynes, *Typology of State laws which permit consideration of danger in the pretrial release decision* (Washington: Pretrial Services Resource Center, 1982) and

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Cases involving juveniles are handled much differently than adult cases

The juvenile court and a separate process for handling juveniles resulted from reform movements of the late 19th century

Until that time juveniles who committed crimes were processed through the criminal courts. In 1899 Illinois established the first juvenile court based on the concepts that a juvenile was a salvageable human being who needed treatment rather than punishment and that the juvenile court was to protect the child from the stigma of criminal proceedings. Delinquency and other situations such as neglect and adoption were deemed to warrant the court's intervention on the child's behalf. The juvenile court also handled "status offenses" (such as truancy, running away, and incorrigibility), which are not applicable to adults.

While the juvenile courts and the handling of juveniles remain separated from criminal processing, the concepts on which they are based have changed. Today, juvenile courts usually consider an element of personal responsibility when making decisions about juvenile offenders.

Juvenile courts may retain jurisdiction until a juvenile becomes legally an adult (at age 21 or less in most States). This limit sets a cap on the length of time juveniles may be institutionalized that is often much less than that for adults who commit similar offenses. Some jurisdictions transfer the cases of juveniles accused of serious offenses or with long criminal histories to criminal court so that the length of the sanction cannot be abridged.

Juvenile courts are very different from criminal courts

The language used in juvenile courts is less harsh. For example, juvenile courts—

- accept "petitions" of "delinquency" rather than criminal complaints
- conduct "hearings," not trials
- "adjudicate" juveniles to be "delinquent" rather than find them guilty of a crime
- order one of a number of available "dispositions" rather than sentences

Despite the wide discretion and informality associated with juvenile court proceedings, juveniles are protected by most of the due process safeguards associated with adult criminal trials.

Most referrals to juvenile court are for property crimes, but 17% are for status offenses

Reasons for referrals to juvenile courts

11%	Crimes against persons	
	Criminal homicide	1%
	Forcible rape	2
	Robbery	17
	Aggravated assault	20
	Simple assault	59
		100%
46%	Crimes against property	
	Burglar	25%
	Larceny	47
	Motor vehicle theft	5
	Arson	1
	Vandalism and trespassing	19
	Stolen property offenses	3
		100%
5%	Drug offenses	100%
21%	Offenses against public order	
	Weapons offenses	6%
	Sex offenses	6
	Drunkenness and disorderly conduct	23
	Contempt, probation and parole violations	21
	Other	44
		100%
17%	Status offenses	
	Running away	28%
	Truancy and curfew violations	21
	Ungovernability	28
	Liquor violations	23
		100%
100%	Total all offenses	

Note: Percents may not add to 100 because of rounding.

Source: *Delinquency in the United States 1987*. National Center for Juvenile Justice. July 1988.

Arrest is not the only means of referring juveniles to the courts

While adults may begin criminal justice processing only through arrest, summons, or citation, juveniles may be referred to court by law enforcement agencies, parents, schools, victims, probation officers, or other sources.

Law enforcement agencies refer three-quarters of the juvenile cases, and they are most likely to be the referral source in cases involving curfew violations,

drug offenses, and property crimes. Other referral sources are most likely in cases involving status offenses (truancy, ungovernability, and running away).

"Intake" is the first step in the processing of juveniles

At intake, decisions are made about whether to begin formal proceedings. Intake is most frequently performed by the juvenile court or an executive branch intake unit, but increasingly prosecutors are becoming involved. In addition to beginning formal court proceedings, officials at intake may refer the juvenile for psychiatric evaluation, informal probation, or counseling, or, if appropriate, they may close the case altogether.

For a case involving a juvenile to proceed to a court adjudication, the intake unit must file a petition with the court

Intake units handle most cases informally without a petition. The National Center for Juvenile Justice estimates that more than half of all juvenile cases disposed of at intake are handled informally without a petition and are dismissed and/or referred to a social service agency.

Initial juvenile detention decisions are usually made by the intake staff

Prior to holding an adjudicatory hearing, juveniles may be released in the custody of their parents, put in protective custody (usually in foster homes or runaway shelters), or admitted to detention facilities. In most States juveniles are not eligible for bail, unlike adults.

Relatively few juveniles are detained prior to court appearance

One juvenile case in five involved secure detention prior to adjudication in 1983. Status offenders were least likely to be detained. The proportion of status offenders detained has declined from 40% in 1975 to 11% in 1983.

Under certain circumstances, juveniles may be tried in criminal courts

Age at which criminal courts gain jurisdiction of young offenders ranges from 16 to 19

Age of offender when under criminal court jurisdiction

Age of offender when under criminal court jurisdiction	States
16 years	Connecticut, New York, North Carolina
17	Georgia, Illinois, Louisiana, Massachusetts, Missouri, South Carolina, Texas
18	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Federal districts
19	Wyoming

Source: Upper age of juvenile court jurisdiction statutes analysis, Linda A. Szymanski, National Center for Juvenile Justice, March 1987

All States allow juveniles to be tried as adults in criminal courts

Juveniles are referred to criminal courts in one of three ways—

- **Concurrent jurisdiction**—the prosecutor has the discretion of filing charges for certain offenses in either juvenile or criminal courts
- **Excluded offenses**—the legislature excludes from juvenile court jurisdiction certain offenses usually either very minor, such as traffic or fishing violations, or very serious, such as murder or rape
- **Judicial waiver**—the juvenile court waives its jurisdiction and transfers the case to criminal court (the procedure is also known as "binding over" or "certifying" juvenile cases to criminal courts)

12 States authorize prosecutors to file cases in the juvenile or criminal courts at their discretion

This procedure, known as concurrent jurisdiction, may be limited to certain offenses or to juveniles of a certain age. Four States provide concurrent jurisdiction

over juveniles charged with traffic violations. Georgia, Nebraska, and Wyoming have concurrent criminal jurisdiction statutes.

As of 1987, 36 States excluded certain offenses from juvenile court jurisdictions

Eighteen States excluded only traffic, watercraft, fish, or game violations. Another 13 States excluded serious offenses, the other 5 excluded serious offenses and some minor offenses. The serious offenses most often excluded are capital crimes such as murder, but several States exclude juveniles previously convicted in criminal courts.

48 States, the District of Columbia, and the Federal Government have judicial waiver provisions

Youngest age at which juvenile may be transferred to criminal court by judicial waiver

Youngest age at which juvenile may be transferred to criminal court by judicial waiver	States
No specific age	Alaska, Arizona, Arkansas, Delaware, Florida, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, Oklahoma, South Dakota, West Virginia, Wyoming, Federal districts
10 years	Vermont
12	Montana
13	Georgia, Illinois, Mississippi
14	Alabama, Colorado, Connecticut, Idaho, Iowa, Massachusetts, Minnesota, Missouri, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Utah
15	District of Columbia, Louisiana, Michigan, New Mexico, Ohio, Oregon, Texas, Virginia
16	California, Hawaii, Kansas, Nevada, Rhode Island, Washington, Wisconsin

Note: Many judicial waiver statutes also specify offenses that are waivable. This chart lists the States by the youngest age for which judicial waiver may be sought, without regard to offense.

Source: Waiver/transfer/certification of juveniles to criminal court: Age restrictions, Crime restrictions, Linda A. Szymanski, National Center for Juvenile Justice, February 1987

A small proportion of juvenile cases are referred to criminal court

Recent studies found that most juveniles referred to criminal court were age 17 and were charged with property offenses. However, juveniles charged with violent offenses or with serious prior offense histories were more likely to be adjudicated in criminal court. Waiver of juveniles to criminal court is less likely where court jurisdiction extends for several years beyond the juvenile's 18th birthday.

Juveniles tried as adults have a high conviction rate, but most receive sentences of probation or fines

More than 90% of the judicial waiver or concurrent jurisdiction cases in Hamparian's study resulted in guilty verdicts, and more than half the convictions led to fines or probation. Sentences to probation often occur because the criminal courts view juveniles as first offenders regardless of their prior juvenile record. However, serious violent juvenile offenders are more likely to be institutionalized. In a study of 27 jurisdictions with Habitual Serious or Violent Juvenile Offender Programs, 63% of those convicted were sentenced to prison and 14% to jail. The average prison sentence was 68 years.

Correctional activities for juveniles tried as adults in most States occur within the criminal justice system

In 1978, in more than half the States, youths convicted as adults and given an incarcerative sentence could only be placed in adult corrections facilities. In 18 jurisdictions, youths convicted as adults could be placed in either adult or juvenile corrections facilities, but sometimes this discretion was limited by special circumstances. Only 6 jurisdictions restricted placements of juveniles convicted as adults to State juvenile corrections institutions. Generally, youths sentenced in this manner will be transferred to adult facilities to serve the remainder of their sentence on reaching majority.

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Section 4. Adjudication

The courts participate in and supervise the judicial process

The courts have several functions in addition to deciding whether laws have been violated

The courts—

- settle disputes between legal entities (persons, corporations, etc.)
- invoke sanctions against law violations
- decide whether acts of the legislative and executive branches are constitutional

In deciding about violations of the law the courts must apply the law to the facts of each case. The courts affect policy in deciding individual cases by handing down decisions about how the laws should be interpreted and carried out. Decisions of the appellate courts are the ones most likely to have policy impact.

Using an arm of the State to settle disputes is a relatively new concept

Until the Middle Ages disputes between individuals, clans, and families, including those involving criminal acts, were handled privately. Over time, acts such as murder, rape, robbery, larceny, and fraud came to be regarded as crimes against the entire community, and the State intervened on its behalf. Today in the United States the courts handle both civil actions (disputes between individuals or organizations) and criminal actions.

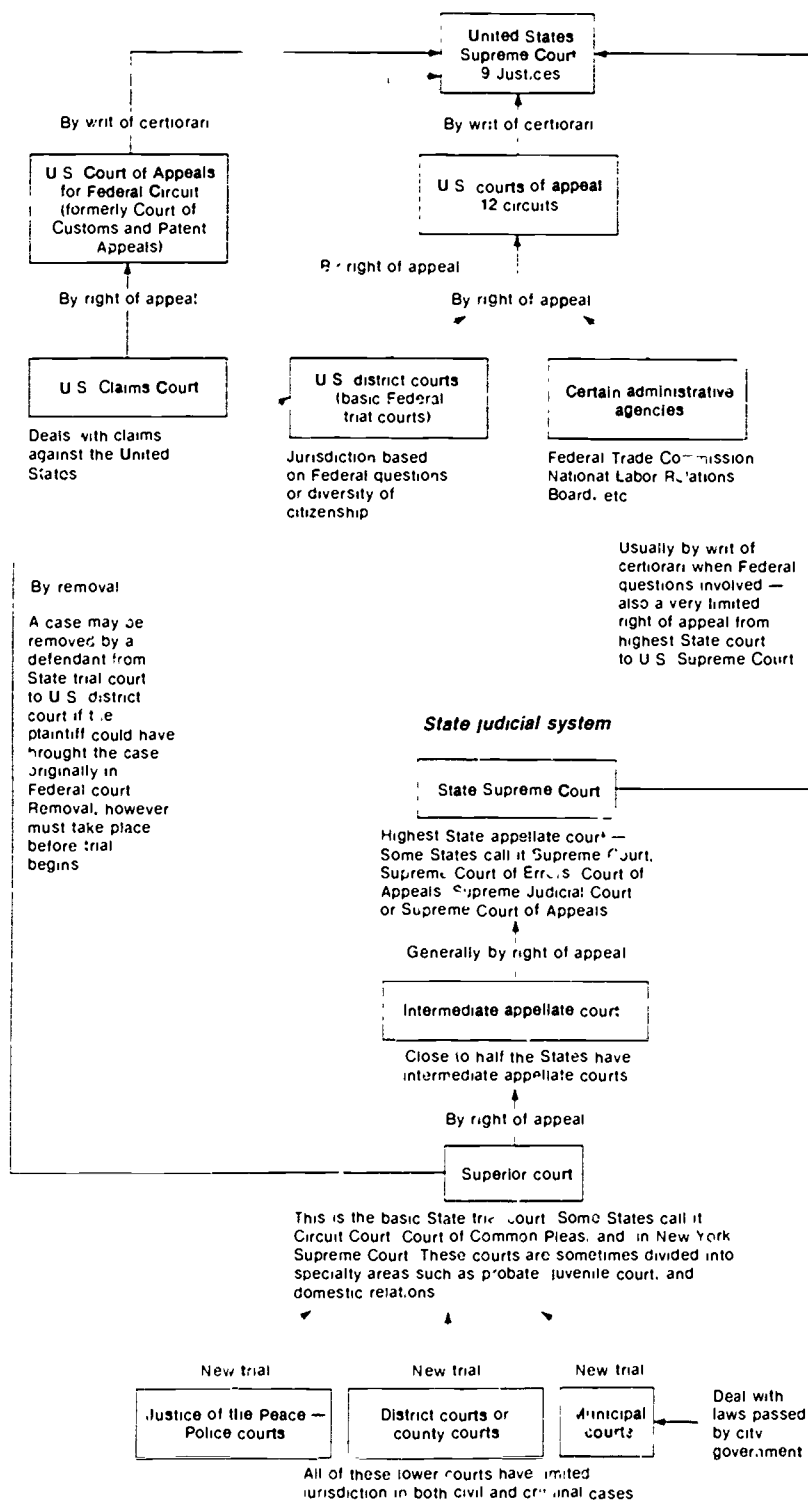
An independent judiciary is a basic concept of the U.S. system of government

To establish its independence and impartiality, the judiciary was created as a separate branch of government co-equal to the executive and the legislative branches. Insulation of the courts from political pressure is attempted through—

- the separation of powers doctrine
- established tenure for judges
- legislative safeguards
- the canons of legal ethics

Courts are without the power of enforcement. The executive branch must enforce their decisions. Furthermore, the courts must request that the legislature provide them with the resources needed to conduct their business.

Courts at various levels of government interact in many ways



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Each State has a system of trial and appeals courts

Generally, State court systems are organized according to three basic levels of jurisdiction

• **Courts of limited and special jurisdiction** are authorized to hear only less serious cases (misdemeanors and/or civil suits that involve small amounts of money) or to hear special types of cases such as divorce or probate suits. Such courts include traffic courts, municipal courts, family courts, small claims courts, magistrate courts, and probate courts.

• **Courts of general jurisdiction**, also called major trial courts, are unlimited in the civil or criminal cases they are authorized to hear. Almost all cases originate in the courts of limited or special jurisdiction or in courts of general jurisdiction. Most serious criminal cases are handled by courts of general jurisdiction.

• **Appellate courts** are divided into two groups, intermediate appeals courts, which hear some or all appeals that are subject to review by the court of last resort, and courts of last resort, which have jurisdiction over final appeals from courts of original jurisdiction, intermediate appeals courts, or administrative agencies. As of 1985, 36 States had intermediate appellate courts, but all States had courts of last resort.

The U.S. Constitution created the U.S. Supreme Court and authorized the Congress to establish lower courts as needed

The Federal court system now consists of various special courts: U.S. district courts (general jurisdiction courts), U.S. courts of appeals (intermediate appellate courts that receive appeals from the district courts and Federal administrative agencies), and the U.S. Supreme Court (the court of last resort). Organized on a regional basis are U.S. courts of appeals for each of 11 circuits and the District of Columbia. In Federal trial courts (the 94 U.S. district courts) more than 300,000 cases were filed in 1985, there was one criminal case for every seven civil cases. In 1985 more than half the criminal cases in district courts

were for embezzlement, fraud, forgery and counterfeiting, traffic, or drug offenses.

Court organization varies greatly among the States

State courts of general jurisdiction are organized by districts, counties, dual districts, or a combination of counties and districts. In some States the courts established by the State are funded and controlled locally. In others the court of last resort may have some budgetary or administrative oversight over the entire State court system. Even within States there is considerable lack of uniformity in the roles, organization, and procedures of the courts. This has led to significant momentum among States to form "unified" court systems to provide, in varying degrees, for uniform administration of the courts, and, in many cases, for the consolidation of diverse courts of limited and special jurisdiction.

Most felony cases are brought in State and local courts

The traditional criminal offenses under the English common law have been adopted, in one form or another, in the criminal laws of each of the States. Most cases involving "common law" crimes are brought to trial in State or local courts. Persons charged with misdemeanors are usually tried in courts of limited jurisdiction. Those charged with felonies (more serious crimes) are tried in courts of general jurisdiction.

In all States criminal defendants may appeal most decisions of criminal courts of limited jurisdiction; the avenue of appeal usually ends with the State supreme court. However, the U.S. Supreme Court may elect to hear the case if the appeal is based on an alleged violation of the Constitutional rights of the defendant.

State courts process a large volume of cases, many of them minor

In 1983, 46 States and the District of Columbia reported more than 80 million cases filed in State and local courts. About 70% were traffic-related cases, 16% were civil cases (torts, contracts, small claims, etc.), 13% were criminal cases, and 1% were juvenile cases.

Civil and criminal cases both appear to be increasing. Of 39 States that reported civil filings for 1978 and 1983, 32 had increases. Of the 36 States that reported criminal filings for both years, 33 showed an increase in the volume of criminal filings.

In the 24 States that could report, felony filings comprised from 5% to 32% of total criminal filings with a median of 9%.

Victims and witnesses are taking a more significant part in the prosecution of felons

Recent attention to crime victims has spurred the development of legislation and services that are more responsive to victims.

• Some States have raised witness fees from \$5-10 per day in trial to \$20-30 per day, established procedures for victim and witness notification of court proceedings, and guaranteed the right to speedy disposition of cases.

• 9 States and the Federal Government have comprehensive bills of rights for victims.

• 39 States and the Federal Government have laws or guidelines requiring that victims and witnesses be notified of the scheduling and cancellation of criminal proceedings.

• 33 States and the Federal Government allow victims to participate in criminal proceedings via oral or written testimony.

The separate system of justice for juveniles often operates within the existing court organization

Jurisdiction over juvenile delinquency, dependent or neglected children, and related matters is vested in various types of courts. In many States the juvenile court is a division of the court of general jurisdiction. A few States have statewide systems of juvenile or family courts. Juvenile jurisdiction is vested in the courts of general jurisdiction in some counties and in separate juvenile courts or courts of limited jurisdiction in others.

Most cases that are prosecuted result in convictions

Most cases brought by a prosecutor result in a plea of guilty

Jurisdiction	% of cases resulting in a plea of guilty	Number of cases filed
Los Angeles Calif	82%	49 483
San Diego Calif	72	11 534
New Orleans La	73	3 659
Dallas, Tex	72	14 784
Miami, Fla	70	21 413
Seattle Wash	68	3 126
Lansing Mich	68	1 358
Denver, Colo	68	3 772
Greeley Colo	66	630
Minneapolis, Minn	66	2 364
Des Moines Iowa	64	1 401
Manhattan NY	63	30 810
St Louis Mo	63	3 649
Fort Collins Colo	63	776
Portland Ore	62	3 892
Salt Lake City Utah	61	2 745
Davenport Iowa	60	1 312
Golden Colo	58	1 838
Geneva Ill	58	1 263
Brighton Colo	57	1 142
Pueblo, Colo	56	339
Rhode Island	55	5 485
Colorado Springs Colo	50	1 484
Tallahassee, Fla	50	2 879
Washington DC	47	8 442
Chicago Ill	41	35 528
Cobb County, Ga	38	4 427
Philadelphia Pa	26	13 796

Note: Lower plea rates may reflect more reliance on other disposition options such as diversion programs, bench (court) trials, and jury trials.

Source: Barbara Boland with Ronald Sones, INSLAW, Inc. Prosecution of felony arrests: 1981 BJS, September 1986.

Guilty pleas are the most common disposition of a felony case

McDonald says that a negotiated plea occurs when a defendant pleads guilty with a reasonable expectation that the State will give some consideration, such as reduction in the number or severity of the charges and/or a more lenient sentence, in exchange for the plea.

Sometimes guilty pleas are traded explicitly for a less severe charge or sentence, but they also result from a defendant's straightforward admission of guilt. This may stem from a hope or impression that such a plea will be rewarded by a lighter sentence or from a concern that a trial will reveal damaging evidence.

The predominance of guilty pleas is not new in the criminal justice system. A study in Connecticut covering 75 years (1880 to 1954) concludes that between 1880 and 1910 10% of all convictions were obtained by trial.¹ Boland's recent study of prosecution data from 37 jurisdictions shows the proportion of guilty pleas ranging from 26% to 82% of all arrests filed.

Many guilty pleas in felony court are to the highest charge filed

Jurisdiction	Percent pled to top charge
Indianapolis Ind	87%
Des Moines Iowa	84
Kalamazoo Mich	84
New Orleans La	83
Rhode Island	79
St Louis Mo	79
Kansas City Kans	76
Louisville Ky	76
Portland Ore	75
Los Angeles Calif	71
Washington DC	58
Salt Lake City Utah	44
Lansing Mich	38
Manhattan NY	38
Detroit Mich	36
Golden Colo	26

Source: Barbara Boland with Ronald Sones, INSLAW, Inc. Prosecution of felony arrests: 1981 BJS, 1986.

A major reform has been to increase the responsibility of judges for ensuring fairness in plea negotiations

When someone pleads guilty, the judge does not examine the strength of the case against the defendant but does try to determine if unfair coercion was used to induce a plea.

The right to trial by jury is the right most often explained in open court to a defendant pleading guilty. McDonald reports that about 32% of the time the defendant was asked if promises other than the plea agreement had been made, 55% of the time defendants were asked if any threats or pressures had caused them to plead guilty. Judges reject 2% of the guilty pleas they considered.

Some jurisdictions have adopted an anti-plea-bargaining policy

Prohibitions against plea bargaining have been adopted in Alaska, New Orleans, Louisiana, El Paso, Texas, Blackhawk County, Iowa, Maricopa County, Arizona, Oakland County, Michigan, and Multnomah County, Oregon. These prohibitions range in coverage from all felonies to only those that involve individuals charged under habitual offender laws or with high-impact crimes. Many other jurisdictions have plea negotiation guidelines for prosecutors. Evaluations of Alaska's policy have shown that explicit plea bargaining has gradually disappeared. McDonald found that by eliminating or severely restricting plea bargaining, prosecutors had influenced judges toward greater leniency at sentencing.

Jury trials are a small percentage of cases filed

Jurisdiction	% of cases filed resulting in jury trial	Number of cases filed
Seattle Wash	15%	3 126
New Orleans La	10	3 659
Washington DC	9	8 442
Des Moines Iowa	8	1 401
Lansing Mich	7	1 353
Portland Ore	7	3 892
Denver Colo	6	3 772
Minneapolis Minn	6	2 364
St Louis Mo	6	3 649
Dallas Tex	5	14 784
Salt Lake City Utah	5	2 745
Brighton Colo	4	1 142
Colorado Springs Colo	4	1 484
Philadelphia Pa	4	13 796
Tallahassee Fla	4	2 879
Davenport Iowa	3	1 312
Fort Collins Colo	3	776
Geneva Ill	3	1 263
Manhattan NY	3	30 810
Rhode Island	3	5 485
San Diego Calif	3	11 534
Chicago Ill	2	35 528
Cobb County Ga	2	4 427
Golden Colo	2	1 838
Greeley Colo	2	630
Miami Fla	2	21 413
Pueblo Colo	1	330

Jurisdiction median 5%

Source: Barbara Boland with Ronald Sores, INSLAW, Inc. Prosecution of felony arrests: 1981, BJS: 1986

Most felony cases that reach trial are tried before a jury

A person accused of a crime is guaranteed a trial by jury. However, the accused may waive the right to trial by jury and be tried by a judge who serves as finder of fact and determines issues of law. Such trials are called bench trials. Bross showed that in four of five jurisdictions studied, bench trials made up a third to almost half of the trials.

18 States and the District of Columbia require a unanimous verdict in all trials

Currently, 45 States require unanimity in criminal verdicts, but 29 of these States do not require unanimity in civil verdicts. Five States (Louisiana, Montana, Oklahoma, Oregon, and Texas) do not require unanimous verdicts in criminal or civil trials.

The proportion of jury votes needed to convict varies among jurisdictions that do not require unanimity, ranging from two-thirds in Montana to five-sixths in Oregon.

All States require unanimity in capital cases, and the U.S. Supreme Court does not permit a criminal finding of guilt by less than a six-person majority. Thus, a six-person jury must always be unanimous in a criminal finding of guilty.

Most cases that go to trial in the felony court result in conviction

The conviction rate at trial varies by jurisdiction because of—

- differences in screening policy
- pleas in strong cases resulting in a relatively weaker mix of cases going to trial

Jurisdiction	Percent of jury trials resulting in conviction	Cases tried
Dallas Tex	88%	732
Portland Ore	85	262
San Diego Calif	85	286
Chicago Ill	82	623
Dedham Mass	82	17
Cobb County Ga	81	69
Golden Colo	79	42
Montgomery Co Md	79	163
Washington DC	78	591
Los Angeles Calif	77	1 177
Manhattan NY	77	834
Salt Lake City Utah	76	134
Tallahassee Fla	76	119
St Louis Mo	75	204
Seattle Wa	75	478
Louisville Ky	71	249
Philadelphia Pa	70	554
Buffalo NY	69	138
Kansas City Mo	68	165
Boston Mass	67	250
Indianapolis Ind	64	96
Lansing Mich	64	64
Kalamazoo Mich	61	62
New Orleans La	61	353
Detroit Mich	55	669
Rhode Island	52	166

Jurisdiction median 73%

Source: Barbara Boland with Ronald Sores, INSLAW, Inc. Prosecution of felony arrests: 1981, BJS: 1986

The more serious the charge the greater the likelihood of trial

Jurisdiction	Percent of indicted cases that went to trial					
	Violent offenses			Property offenses		Drug offenses
	Homicide	Sexual assault	Robbery	Burglary	Larceny	
Indianapolis Ind	38%	18%	21%	14%	12%	9%
Los Angeles Calif	29	20	12	7	5	7
Louisville Ky	57	27	18	13	10	11
Manhattan NY	25	12	11	9	8	8
New Orleans La	22	18	16	5	7	7
Rhode Island	44	22	10	1	3	2
St Louis Mo	36	23	15	4	6	6
Salt Lake City Utah	64	18	19	7	6	4
San Diego Calif	37	2	12	6	5	3
Washington DC	43	32	22	16	12	10

Source: Barbara Boland with Ronald Sores, INSLAW, Inc. Prosecution of felony arrests: 1981, BJS: 1986

The Sixth Amendment guarantees the right of a defendant to a speedy trial

Concern about court delay is not new

As early as 1818 the Massachusetts legislature adopted a system to ease court congestion and delay.² Yet, what constitutes unreasonable delay in criminal proceedings has been difficult to define. In *Baker v. Wingo* (1972), the U.S. Supreme Court set down four factors to be weighed in determining whether a defendant had been denied the right to a speedy trial:

- length of the delay
- reason for the delay
- whether the defendant was responsible for the delay
- whether delay prejudiced the case of the defendant

Most criminal cases are disposed of in 6 months or less, except in chronically delayed State courts

	Total court disposition time in criminal cases	Percent of cases requiring more than 180 days
Portland, Ore.	62 days	3%
Phoenix, Ariz.	64	11
Detroit Rec. Ct., Mich.	69	17
New Orleans, La.	73	16
Oakland, Calif.	81	29
Minneapolis, Minn.	84	13
Dayton, Ohio	88	17
San Diego, Calif.	89	12
Wayne County, Mich.	96	22
Miami, Fla.	108	27
Wichita, Kans.	116	17
Cleveland, Ohio	123	29
Pittsburgh, Pa.	135	27
Providence, R.I.	197	54
Jersey City, N.J.	213	53
Bronx, N.Y.	218	56
Newark, N.J.	253	65

Source: B. Mahoney et al., *Implementing delay reduction and delay prevention: Programs in urban trial courts*, National Center for State Courts, 1985.

Cases resulting in trials generally take longer than ones that end in dismissals or guilty pleas

In 12 jurisdictions studied by Boland, most felony cases were disposed of within 4 months from arrest. On average, cases that went to trial took more than 7 months.

National standards recommend speedy hearings in juvenile courts

National standard-setting organizations generally agree on the need for speedy hearings in juvenile courts, particularly for alleged delinquents being held in detention.

It is widely recommended that—

- detention hearings take place within 24 to 48 hours of arrest, with periodic reviews every 7 to 10 days
- the same time restrictions be placed on intake departments to finish their investigations and to make their recommendations for juveniles held in detention

For nondetained juveniles—

- intake officials are to make recommendations within 30 days
- initial hearings should be held within 3 to 5 days of filing the petition

State and Federal laws safeguard the defendant's right to a speedy trial

"Speedy trial laws" attempt to give precision to the guarantee of a speedy trial by introducing quantitative measures of unacceptable delay.

The Federal Speedy Trial Act of 1974, amended in 1979, specifies time standards for each stage in the Federal court process. Thirty days are allowed from arrest to filing of an indictment or an information, 70 days are allowed between information or indictment and trial. Certain time periods, such as defense-requested continuances, are not counted. If case-processing time exceeds the limit, the case may be dismissed.

Some States have laws modeled on the Federal law and the speedy trial standards of the American Bar Association. These laws differ somewhat on such matters as the kinds of events that do not count as elapsed time, but the major difference among them is in the amount of time they allow between arrest and trial. Many speedy trial provisions set shorter time limits for the disposition of cases if the defendant is being detained.

Most States have speedy trial restrictions for defendants not in custody

States that restrict time from arrest to trial	Time limit
California	75 days
Nevada	75
Alaska	120
North Carolina	120
Texas	120
Iowa	135
Arizona	150
Illinois	160
Florida	180
Hawaii	180
New Mexico	180
New York	180
Pennsylvania	180
Ohio	270
Idaho	360
Louisiana	360
Indiana	365
Massachusetts	365
Arkansas	3 terms of court
Oklahoma	4
Utah	4

States that restrict time from indictment to trial

Minnesota	60 days
Wisconsin	90
Washington	104
Wyoming	120
Colorado	180
Maryland	180
Montana	180
Nebraska	180
Kansas	190
Missouri	190
Mississippi	270
Virginia	270
Georgia	2 terms of court
West Virginia	3

States that restrict unreasonable delay

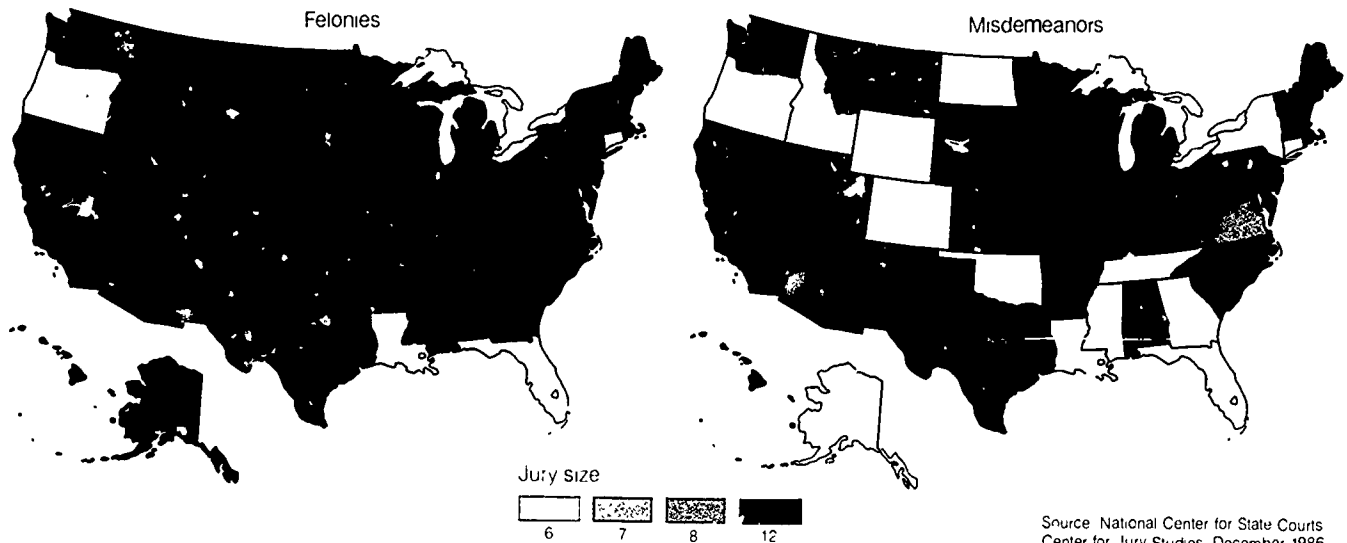
Delaware	Oregon
District of Columbia	Rhode Island
Kentucky	South Dakota
Maine	Tennessee
New Jersey	Vermont
North Dakota	

Note: States without restrictions include Alabama, Connecticut, Michigan, New Hampshire, and South Carolina.

Source: Barbara Boland, with Ronald Sones, INS LAW, Inc., *The prosecution of felony arrests*, 1981; BJS, 1986.

Defendants are entitled to trial by a jury of their peers

**All States require 12-member juries in capital cases;
6 States permit less than 12-member juries in felony trials**



Source: National Center for State Courts
Center for Jury Studies December 1986

Names of prospective jurors are selected from lists intended to make jury pools representative of the community

In 16 States the voter registration list is the sole source of names for jury service. Maine, Las Vegas, Nevada, and 62 of Alabama's 67 counties use the driver's license list as the sole source of jury coverage. The use of merged voter and driver's license lists is either permitted or required by 25 States and the District of Columbia.

Most States have statutory exemptions from jury service

The most common statutory exemptions are for undue hardship or public necessity, for personal bad health, or for persons serving as judicial officers. Many States also exempt specific occupations such as attorneys, doctors, dentists, clergy, elected officials, police officers, firemen, teachers, and sole proprietors of businesses. Twenty-seven States now have limited or no class exemptions from jury service.

An estimated 15% of American adults have ever been called for jury duty

According to the Center for Jury Studies, the limited number of adults who have served as jurors results from such factors as—

- the age limits on prospective jurors set by many States
- the use of voter registration lists that represent only a portion of eligible voters (67% at the 1980 Presidential election)
- replacement of names of jurors into the jury pool at too frequent intervals
- the number of exemptions to service permitted by law or granted by the court

The maximum period of service required of a juror varies by State

- 6 States (Alabama, Florida, Louisiana, Mississippi, North Carolina, and South Carolina) have terms of service of 1 week
- 14 States limit terms to 2 weeks
- 8 States do not specify terms
- Vermont has the longest statutory limit with a 2-year term

Innovations have eased the burden of being a juror

- 27 States have at least one jurisdiction where a juror is called on for only 1 day to be available to sit in a single trial. The District of Columbia has this same system. Only if selected for a trial would a juror serve more than 1 day, until again randomly selected for jury service. It has been estimated that 11% of the U.S. population resides in one day/one-trial jurisdictions.

- Courts in 50 States (including all courts in 2 States) use a juror call-in system. In these States jurors can dial a number to learn whether their attendance is needed on a particular day during their term of service.

All States and the Federal Government pay trial jurors

Payments to jurors range from \$3 per day in Colorado to \$30 per day in New Hampshire, Vermont, the District of Columbia, and the Federal courts. Thirty-eight States pay for travel ranging from 2¢ per mile in New Jersey to 20¢ per mile in Hawaii. Some jurisdictions also require employers to pay the salaries of employees while serving on jury duty.

How does the criminal justice system deal with the mental health of defendants?

In all State and Federal courts defendants may be found incompetent to stand trial

Defendants may be incompetent to stand trial on the basis of their mental health if they are found to be unable to understand the proceedings against them or to assist properly in their own defense. Such findings usually follow a court-ordered mental evaluation of the defendant.

According to Roesch and Golding, most defendants referred for competency evaluations are found competent. If found incompetent a defendant may be committed for treatment until competent to stand trial.

In 1977 the Supreme Court held in *Jackson v. Indiana* that defendants found incompetent to stand trial could not be held indefinitely as a result of incompetency and that any such commitments must be justified by treatment progress. Some States have responded to this decision by setting treatment time limits after which defendants must be released. In all States such defendants may be recommitted under civil commitment laws.

A defense of insanity is recognized by all but three States

Three States—Montana, Idaho, and Utah—have passed laws that abolish the insanity defense. However, psychiatric evidence is allowed on the issue of whether there is an intent to commit a crime.

In most States a formal notice of an intent to rely on the insanity defense must be filed by defendants who wish to claim insanity as a defense. Such defendants enter a plea of not guilty at the time of trial.

One of two definitions governs the insanity defense in most jurisdictions

According to the American Bar Association—

- 24 States use the definition adopted by the American Law Institute (ALI) in 1962 as part of the ALI Model Penal Code. It states that "A person is not responsible for criminal conduct if at the

time of such conduct and as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of the law."

- 16 jurisdictions use the M'Naughton rule, formulated by the British House of Lords in 1843. It states that, to establish a defense on the ground of insanity, it is necessary to prove clearly that at the time of committing an act the accused party was laboring under such a defect of reason from disease of mind as not to know the nature and quality of the act, or if he did understand the act, he did not know that it was wrong. Lawyers call this the cognitive test because the language hinges on "knowing."

- Some jurisdictions modify the M'Naughton rule by reference to "irresistible impulse."

- New Hampshire uses a rule devised by its Supreme Court in 1871 that a person is absolved of responsibility if the act committed is the offspring or product of mental disease.

Recently, the Federal Government and Indiana adopted a new test of criminal responsibility

Endorsed by the American Bar Association in 1983, the Appreciation Test resembles the M'Naughton test in its reliance on cognitive incapacity. It differs from the ALI test in that there is no requirement for the defendant to establish a lack of control over his or her behavior. The Appreciation Test became the law in all Federal courts in October 1984 with passage of the Comprehensive Crime Control Act. The Indiana General Assembly also changed from the ALI standard to the Appreciation Test in 1984.

A plea of insanity entered by the attempted assassin of President Reagan spurred the first comprehensive reform of Federal law governing the insanity defense

The new Federal law changes previous standards in the Federal courts by shifting the burden of proof to the defense, limiting the scope of expert testimony, eliminating the defense of diminished capacity, creating a verdict of "not guilty only by reason of insanity," which requires a civil commitment proceeding,

and by providing for Federal commitment of persons found insane after conviction or incarceration.

Competency to stand trial and the insanity defense are often confused

The issue of insanity refers to the defendant's mental state at the time of the crime; the issue of competency concerns the defendant's ability to understand the trial proceedings and to assist in preparing his or her defense. For example, a defendant may be found competent to stand trial but be found not guilty by reason of insanity.

States vary in many specific ways in their handling of an insanity defense

Variations relate to the—

- definition of insanity
- availability of an alternate verdict of guilty but mentally ill
- burden of proof

The Federal Insanity Defense Reform Act of 1984 shifted the burden of proof from the prosecution to the defense. In all Federal jurisdictions the defendant has the burden of proving the defense of insanity by clear and convincing evidence. According to the American Bar Association, 26 States applied this standard prior to the change in Federal law.

Twelve States provide for a verdict of guilty but mentally ill

According to the Institute on Mental Disability at the National Center for State Courts, since 1975 the 12 States that have adopted this verdict are (in chronological order) Michigan, Indiana, Illinois, Georgia, Kentucky, New Mexico, Delaware, Alaska, Pennsylvania, South Dakota, Utah, and South Carolina.

In States where this verdict is available it is an alternative to but does not preclude, a verdict of not guilty by reason of insanity.

Criminal case appeals make up close to half the State appellate caseload

Both convictions and sentences may be appealed

Defendants have as many as three possible avenues of appeal, the direct appeal, postconviction remedy, and Federal habeas corpus. Defendants appeal their convictions alleging that their rights were violated during the criminal justice process. Reversal of a conviction on appeal sets aside only the prior conviction. Defendants may be retried. In many States criminal appeals are a matter of right and most States provide for an automatic appeal of death sentences. A sentence may be appealed on grounds it violates the Constitutional prohibition against cruel and unusual punishment.

Most criminal case appeals are decided in State courts

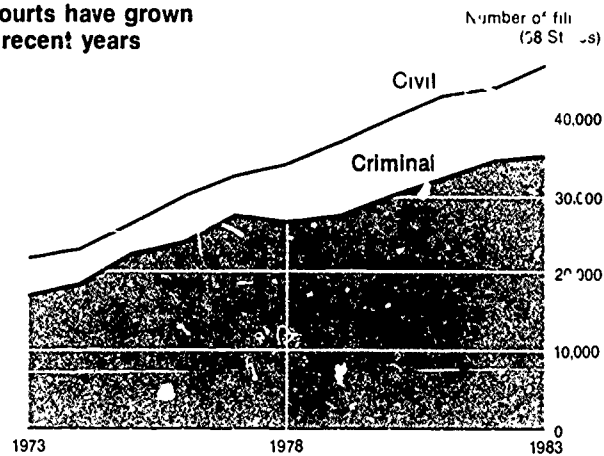
Cases originating in State courts are usually appealed through the State's appellate court system. State cases that involve a Constitutional question may be appealed to the U.S. Supreme Court.

Almost four-fifths of all appeals, including writs, are decided by State courts. The U.S. Supreme Court decides 150 cases per year with full opinion. For State appellate courts the number of appellate decisions ranges from 200 to 300 cases in smaller States with supreme courts and no intermediate appellate courts to more than 9,000 in Florida and New York, which have intermediate appellate courts as well as a supreme court.

Appellate filings have increased in almost every State

State appellate judges have had an increasing number of cases to handle, most States had a yearly increase of 9% or more in the 1970s. The number of judges in State appellate courts grew at only a sixth the rate of the appellate caseload in the 1970s. The number of State court appeals more than doubled during 1973-83 in 43 jurisdictions able to measure the growth. Overall growth in total appeals filed ranged from 38% in Mississippi and 53% in Maryland to 305% in Alaska. Criminal cases

Civil and criminal appeals in State courts have grown rapidly in recent years



Source: *The growth in appeals: 1973-83 trends*, BJS Bulletin, February 1985

accounted for 43% to 46% of total appellate volume in State courts. Intermediate appellate courts have been a principal means of meeting the increased caseload.

In 1985, 33,360 appeals were filed in the U.S. Courts of Appeals

In 1985, 4,989 or 15% of the appeals filed were criminal cases. The proportion of criminal appeals to other appeals was greatest during the 1970s when it reached an alltime high of 28.5% in 1973. The proportion of criminal appeals filed has declined in every year since 1980 except 1981. In 1985 the 18,660 civil appeals filed in U.S. Courts of Appeals represented the largest group of appeals.

The rate of appeal of Federal criminal convictions is very high. In some circuits appeal is virtually automatic in criminal cases.³ The rate of reversal is fairly low.

Petitions to the Federal courts by State prisoners claiming they are unlawfully detained are rarely successful

The petitions, known as writs of habeas corpus, are the primary means by which State prisoners have their convictions reviewed in Federal courts. Such a petition can be heard by a U.S. district court after a prisoner has

exhausted all State remedies. Few habeas corpus petitions are successful. One study revealed that 3% of the State petitions in Federal court resulted in relief.⁴

The number of actions filed in Federal courts by State prisoners has more than doubled since 1970

Of all actions filed in Federal courts, prisoner petitions (which include habeas corpus and civil rights petitions) made up—

- 14.7% in 1970
- 19.6% in 1985

Prisoner petitions coupled with criminal appeals make up over 5% of the total caseload in Federal appellate courts.

Few juvenile cases are appealed

Since 1967 juveniles have had the legal right to appeal juvenile court adjudications (in *re Gault*). Over the past 15 years, State codes have been amended to acknowledge this right. In States that grant concurrent jurisdiction to juvenile and criminal courts the prosecutor's decision to file criminal (instead of delinquency) charges is not subject to appeal. In most States that permit transfers of juveniles to criminal courts through judicial waivers, the waiver decision is appealable, but only after conviction in criminal court.

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Section 5. Sentencing and sanctions

Through sentencing, society attempts to express its goals for the correctional process

The sentencing of criminals often reflects conflicting social goals

These objectives are—

- **Retribution**—giving offenders their “just deserts” and expressing society’s disapproval of criminal behavior
- **Incapacitation**—separating offenders from the community to reduce the opportunity for further crime while they are incarcerated
- **Deterrence**—demonstrating the certainty and severity of punishment to discourage future crime by the offender (specific deterrence) and by others (general deterrence)
- **Rehabilitation**—providing psychological or educational assistance or job training to offenders to make them less likely to engage in future criminality
- **Restitution**—having the offender repay the victim or the community in money or services

Attitudes about sentencing reflect multiple goals and other factors

Research on judicial attitudes and practices in sentencing revealed that judges vary greatly in their commitment to various goals when imposing sentences. Public opinion also has shown much diversity about the goals of sentencing, and public attitudes have changed over the years. In fashioning criminal penalties, legislators have tended to reflect this lack of public consensus.

Sentencing laws are further complicated by concerns for—

- **Proportionality**—severity of punishment should be commensurate with the seriousness of the crime
- **Equity**—similar crimes and similar criminals should be treated alike
- **Social debt**—the severity of punishment should take into account the offender’s prior criminal behavior

Judges usually have a great deal of discretion in sentencing offenders

The different sentencing laws give various amounts of discretion to the judge in setting the length of a prison or jail term. In a more fundamental respect, however, the judge often has a high degree of discretion in deciding whether or not to incarcerate the offender at all. Alternatives to imprisonment include—

- probation
- fines
- forfeiture of the proceeds of criminal activity
- restitution to victims
- community service
- split sentences, consisting of a short period of incarceration followed by probation in the community

Often, before a sentence is imposed a presentence investigation is conducted to provide the judge with information about the offender’s characteristics and prior criminal record.

Disparity and uncertainty arose from a lack of consensus over sentencing goals

In the early 1970s researchers and critics of the justice system had begun to note that trying to achieve the mixed goals of the justice system without new limits on the discretionary options given to judges had—

- reduced the *certainty* of sanctions, presumably eroding the deterrent effect of corrections
- resulted in *disparity* in the severity of punishment, with differences in the sentences imposed for similar cases and offenders
- failed to validate the effectiveness of various rehabilitation programs in changing offender behavior or predicting future criminality

Recent sentencing reforms reflect more severe attitudes and seek to reduce disparity and uncertainty

Reforms in recent years have used statutory and administrative changes to—

- clarify the aims of sentencing
- reduce disparity by limiting judicial and parole discretion
- provide a system of penalties that is more consistent and predictable
- provide sanctions consistent with the concept of “just deserts”

The changes have included—

- making prison mandatory for certain crimes and for recidivists
- specifying presumptive sentence lengths
- requiring sentence enhancements for offenders with prior felony convictions
- introducing sentencing guidelines
- limiting parole discretion through the use of parole guidelines
- total elimination of discretionary parole release (indeterminate sentencing)

States use a variety of strategies for sentencing

Sentencing is perhaps the most diversified part of the Nation’s criminal justice process. Each State has a unique set of sentencing laws, and frequent and substantial changes have been made in recent years. This diversity complicates the classification of sentencing systems. For nearly any criterion that may be considered, there will be some States with hybrid systems that straddle the boundary between categories.

The basic difference in sentencing systems is the apportioning of discretion between the judge and parole authorities

Indeterminate sentencing—the judge specifies minimum and maximum sentence lengths. These set upper and lower bounds on the time to be served. The actual release date (and therefore the time actually served) is determined later by parole authorities within those limits.

Partially indeterminate sentencing—a variation of indeterminate sentencing in which the judge specifies only the maximum sentence length. An associated minimum automatically is implied, but is not within the judge's discretion. The implied minimum may be a fixed time (such as 1 year) for all sentences or a fixed proportion of the maximum. In some States the implied minimum is zero; thus the parole board is empowered to release the prisoner at any time.

Determinate sentencing—the judge specifies a fixed term of incarceration, which must be served in full (less any "goodtime" earned in prison). There is no discretionary parole release.

Since 1975 many States have adopted determinate sentencing, but most still use indeterminate sentencing

In 1976 Maine was the first State to adopt determinate sentencing. The sentencing system is entirely or predominantly determinate in these 10 States:

California	Maine
Connecticut	Minnesota
Florida	New Mexico
Illinois	North Carolina
Indiana	Washington

The other States and the District of Columbia use indeterminate sentencing in its various forms. One State, Colorado, after changing to determinate sentencing in 1979, went back to indeterminate sentencing in 1985. The Federal justice system has adopted determinate sentencing through a system of sentencing guidelines.

States employ other sentencing features in conjunction with their basic strategies

Mandatory sentencing—Law requires the judge to impose a sentence of incarceration, often of specified length, for certain crimes or certain categories of offenders. There is no option of probation or a suspended sentence.

Mandatory sentencing laws are in force in 46 States (all except Maine, Minnesota, Nebraska, and Rhode Island) and the District of Columbia. In 25 States imprisonment is mandatory for certain repeat felony offenders. In 30 States imprisonment is mandatory if a firearm was involved in the commission of a crime. In 45 States conviction for certain offenses or classes of offenses leads to mandatory imprisonment; most such offenses are serious, violent crimes, and drug trafficking is included in 18 of the States. Many States have recently made drunk driving an offense for which incarceration is mandated (usually for relatively short periods in a local jail rather than a State prison).

Presumptive sentencing—The discretion of a judge who imposes a prison sentence is constrained by a specific sentence length set by law for each offense or class of offense. That sentence must be imposed in all unexceptional cases. In response to mitigating or aggravating circumstances, the judge may shorten or lengthen the sentence within specified boundaries, usually with written justification being required.

Presumptive sentencing is used, at least to some degree, in about 12 States.

Sentencing guidelines—Explicit policies and procedures are specified for deciding on individual sentences. The decision is usually based on the nature of the offense and the offenders' criminal record. For example, the prescribed sentence for a certain offense might be probation if the offender has no previous felony convictions, a short term of incarceration if the offender has one prior conviction, and progressively longer prison terms if the offenders' criminal history is more extensive.

Sentencing guidelines came into use in the late 1970s. They are—

- used in 13 States and the Federal Criminal Justice system
- written into statute in the Federal system and in Florida, Louisiana, Maryland, Minnesota, New Jersey, Ohio, Pennsylvania, and Tennessee
- used systemwide, but not mandated by law, in Utah
- applied selectively in Massachusetts, Michigan, Rhode Island, and Wisconsin
- being considered for adoption in other States and the District of Columbia

Sentence enhancements—In nearly all States the judge may lengthen the prison term for an offender with prior felony convictions. The lengths of such enhancements and the criteria for imposing them vary among the States.

In some States that group felonies according to their seriousness, the repeat offender may be given a sentence ordinarily imposed for a higher seriousness category. Some States prescribe lengthening the sentences of habitual offenders by specified amounts or imposing a mandatory minimum term that must be served before parole can be considered. In other States the guidelines provide for sentences that reflect the offenders' criminal history as well as the seriousness of the offense. Many States prescribe conditions under which parole eligibility is limited or eliminated. For example, a person with three or more prior felony convictions, if convicted of a serious violent offense, might be sentenced to life imprisonment without parole.

Sources: Surveys conducted for the Bureau of Justice Statistics by the U.S. Bureau of the Census in 1985 and by the Pennsylvania Commission on Crime and Delinquency in 1986.

Sentencing guidelines usually are developed by a separate sentencing commission

Such a commission may be appointed by the legislative, executive, or judicial branch of State government. This is a departure from traditional practice in that sentences are prescribed through an administrative procedure rather than by explicit legislation.

In some States the guidelines are prescriptive in that they specify whether or not the judge must impose a prison sentence and the presumptive sentence length. In other States the guidelines are advisory in that they provide information to the judge but do not mandate sentencing decisions.

To determine whether a prison sentence should be imposed, the guidelines usually consider offense severity and the offender's prior criminal record. A matrix that relates these two factors may be used.

Sentencing matrix

Offense severity	Criminal history						
	low	0	1	2	3	4	high
low	I						
	II	Probation					
	III						
	IV						
	V						
	VI						
	VII						
	VIII	Imprisonment					
	IX						
high	X						

Adapted from *Preliminary report on the development and impact of the Minnesota sentencing guidelines*. Minnesota Sentencing Guidelines Commission, July 1982

Sentencing guidelines used in the Federal justice system were developed by the United States Sentencing Commission. The guidelines provide for determinate sentencing and the abolition of parole. Ranges of sentence length are specified for various offense classifications and offender characteristics. The judge must provide written justification for any sentence that deviates from the

guideline range, sentences that are less severe can be appealed by the prosecution, and sentences that are more severe can be appealed by the defense.

Changes in sentencing have brought changes in correctional practices

Many sentencing reforms have led to changes in the way correctional systems operate.

The proliferation of determinate and mandatory sentences during the past decade, together with dissatisfaction about the uncertainties of indeterminate sentencing (especially the linking of release decisions to rehabilitative progress or predictions of future behavior), have led to modifications in parole decisionmaking. Many States now use parole guidelines, and many have modified their use of "good time" and other incentives for controlling inmate behavior and determining release dates.

New administrative requirements, such as collection of victim restitution funds, operation of community service programs, and levying fees for probation supervision, room and board, and other services, have been added to traditional correctional practices.

Changes in sentencing laws and practices may be affecting the size of the correctional clientele. Such changes include—

- using determinate and mandatory sentencing
- limiting or abolishing parole discretion
- lowering the age at which youthful offenders become subject to the adult criminal justice system
- enacting in a few jurisdictions laws providing for life imprisonment without the possibility of parole

Forfeiture is a relatively new sanction

What is forfeiture?

Forfeiture is government seizure of property derived from or used in criminal activity. Its use as a sanction aims to strip racketeers and drug traffickers of their economic power because the traditional sanctions of imprisonment and fines have been found inadequate to deter or punish enormously profitable crimes. Seizure of assets aims not only to reduce the profitability of illegal activity but to curtail the financial ability of criminal organizations to continue illegal operations.

There are two types of forfeiture: civil and criminal

- **Civil forfeiture**—a proceeding against property used in criminal activity. Property subject to civil forfeiture often includes vehicles used to transport contraband, equipment used to manufacture illegal drugs, cash used in illegal transactions, and property purchased with the proceeds of the crime. No finding of criminal guilt is required in such proceedings. The government is required to post notice of the proceedings so that any party who has an interest in the property may contest the forfeiture.

- **Criminal forfeiture**—a part of the criminal action taken against a defendant accused of racketeering or drug trafficking. The forfeiture is a sanction imposed on conviction that requires the defendant to forfeit various property rights and interests related to the violation. In 1970 Congress revived this sanction that had been dormant in American law since the Revolution

The use of forfeiture varies greatly among jurisdictions

The Federal Government originally provided for criminal forfeiture in the Racketeer Influenced and Corrupt Organization (RICO) statute and the Comprehensive Drug Prevention and Control Act, both enacted in 1970. Before that time civil forfeiture had been provided in Federal laws on some narcotics, customs, and revenue infractions. More recently, language on forfeiture has been included in the Comprehensive

sive Crime Control Act of 1984, the Money Laundering Act of 1986, and the Anti-drug Abuse Act of 1986.

Most State forfeiture procedures appear in controlled substances or RICO laws. A few States provide for forfeiture of property connected with the commission of any felony. Most State forfeiture provisions allow for civil rather than criminal forfeiture. A recent survey responded to by 44 States and territories found that under the controlled substances laws most States provide only for civil forfeiture. Eight States (Arizona, Kentucky, Nevada, New Mexico, North Carolina, Utah, Vermont, and West Virginia), however, have criminal forfeiture provisions.¹ Of the 19 States with RICO statutes, all but 8 include the criminal forfeiture sanction.²

What is forfeitable?

Originally most forfeiture provisions aimed to cover the seizure of contraband or modes of transporting or facilitating distribution of such materials. The types of property that may be forfeited have been expanded since the 1970s to include assets, cash, securities, negotiable instruments, real property including houses or other real estate, and proceeds traceable directly or indirectly to violations of certain laws. Common provisions permit seizure of conveyances such as airplanes, boats, or cars, raw materials, products, and equipment used in manufacturing, trafficking, or cultivation of illegal drugs, and drug paraphernalia.

How long does it take to determine if property can be forfeited?

In most cases some time is provided before the actual forfeiture to allow persons with an interest in seized property to make a claim. Seized property is normally kept for 6 months to 1 year before being declared forfeit and disposed of. Contraband or materials that are illegal *per se*, such as drugs, are disposed of relatively quickly. Cars, airplanes, boats, and other forms of transportation are usually kept for about 6 months before disposal. Real property is often kept for longer periods. Administrative forfeitures usually take less time than ones that require judicial determination.

Because of the depreciation in value of many assets over time and the cost of storing or caring for such assets, forfeiture may result in a cost rather than revenue to the prosecuting jurisdiction.

What happens to forfeited property?

The disposition of forfeited property is controlled by statute or in some States by their constitutions. In many cases, the seizing agency is permitted to place an asset in official use once it has been declared forfeit by a court. Such assets are usually cars, trucks, boats, or planes used during the crime or proceeds of the crime.

For assets that are sold, the proceeds are usually used first to pay any outstanding liens. The costs of storing, maintaining, and selling the property are reimbursed next. Some States require that, after administrative costs are reimbursed, the costs of law enforcement and prosecution must be paid. More than half the States provide that any outstanding balance go to the State or local treasury, or a part to both. In eight States law enforcement agencies can keep all property, cash, or sales proceeds. If the State constitution governs distribution, the receiving agency is usually the State or local school system. Some States have specified the recipients to be special programs for drug abuse prevention and rehabilitation.

In 1984 the Federal Government established the Department of Justice Assets Forfeiture Fund to collect proceeds from forfeitures and defray the costs of forfeitures under the Comprehensive Drug Abuse Prevention and Control Act and the Customs Forfeiture Fund for forfeitures under customs laws. These acts also require that the property and proceeds of forfeiture be shared equitably with State and local law enforcement commensurate with their participation in the investigations leading to forfeiture.

Sanctions for alcohol-related driving offenses are becoming more severe

Alcohol-related driving offenses carry both criminal and administrative sanctions

Because States license drivers, sanctions against persons convicted of driving while intoxicated and driving under the influence of alcohol include revocation or suspension of driver's licenses. In some States the administrative sanction may be imposed for a short period prior to conviction if there is sufficient evidence to believe the defendant was operating a motor vehicle while under the influence of alcohol. In 1986 the minimum period for license suspension or revocation for a first offense ranged from 21 days in one State to 36 months in another.

Criminal sanctions may involve incarceration, fines, community service, restitution, or alcohol treatment and education programs. In some States, criminal driving offenses are classified as felonies; in other States, they are misdemeanors. The term of incarceration permitted by statute for a first offense ranges from a minimum of 1 day up to 2 years. First offense fines range from \$100 to \$5,000

In almost all States both administrative and criminal sanctions may be imposed for a conviction of driving while intoxicated. The criminal court imposes criminal sanctions while the licensing agency imposes the administrative sanctions on notification of conviction by the court

In most States possible sanctions for repeat alcohol-related driving offenders are progressively severe

In 1986 more than half the States had license suspension or revocation minimums of a few months for first offenders and 12 months for second offenders. In 43 States the fines that may be imposed also increased with the number of prior convictions. For example,

Arizona law permits fines of up to \$1,000 for first offenses but up to \$150,000 for third offenses. In 23 States repeat offenders may be subject to habitual offender laws resulting in enhancement of the term of incarceration.

Many States have resorted to mandatory sanctions

Type of sanction and prior history	Number of States imposing mandatory sanctions	
	1982	1986
Imprisonment		
1st offense	12	16
2nd	22	42
3rd	19	40
Fines		
1st offense	9	15
2nd	10	13
3rd	9	12
License suspension or revocation		
1st offense	31	25
2nd	39	44
3rd	38	44

Source: *A digest of State alcohol highway safety related legislation*, first edition and fifth edition. National Highway Traffic Safety Administration. U.S. Department of Transportation.

Many States have increased the severity of their mandatory sanctions against alcohol-related driving offenses

Between 1982 and 1986—

- 4 States increased their mandatory fines for at least one offense
- 8 States increased the length of mandatory imprisonment for at least one offense
- 11 States increased the term for license suspension or revocation

A few years after imposing severe mandatory sanctions, many States reduced the severity of their sanctions, particularly for first offenses

In 42 States imprisonment is mandatory for driving while intoxicated

State	Is imprisonment mandatory?	After which offense does imprisonment become mandatory?	Length of imprisonment
Alabama	Yes	2nd offense	2 days
Alaska	Yes	1st	3
Arizona	Yes	1st	1
Arkansas	No		
California	Yes	2nd	2
Colorado	Yes	2nd	7
Connecticut	Yes	1st	2
Delaware	Yes	2nd	60
D.C.	No		
Florida	Yes	2nd	10
Georgia	Yes	2nd	2
Hawaii	Yes	1st	2
Idaho	Yes	2nd	10
Illinois	Yes	2nd	2
Indiana	Yes	2nd	5
Iowa	Yes	2nd	7
Kansas	Yes	1st	2
Kentucky	Yes	2nd	7
Louisiana	Yes	1st	2
Maine	Yes	1st	2
Maryland	Yes	2nd	2
Massachusetts	Yes	2nd	14
Michigan	No		
Minnesota	No		
Mississippi	No		
Missouri	Yes	2nd	2
Montana	Yes	1st	1
Nebraska	Yes	2nd	2
Nevada	Yes	1st	2
New Hampshire	Yes	2nd	7
New Jersey	Yes	2nd	2
New Mexico	Yes	2nd	2
New York	No		
North Carolina	Yes	2nd	7
North Dakota	Yes	2nd	4
Ohio	Yes	1st	3
Oklahoma	No		
Oregon	Yes	1st	2
Pennsylvania	Yes	2nd	30
Rhode Island	Yes	2nd	2
South Carolina	Yes	1st	2
South Dakota	No		
Tennessee	Yes	1st	2
Texas	Yes	2nd	3
Utah	Yes	1st	2
Vermont	Yes	2nd	2
Virginia	Yes	2nd	2
Washington	Yes	1st	1
West Virginia	Yes	1st	1
Wisconsin	No		
Wyoming	Yes	2nd	7

Source: *A digest of State alcohol highway safety related legislation*, fifth edition. National Highway Traffic Safety Administration. U.S. Department of Transportation.

Juveniles receive dispositions rather than sentences

Juvenile court dispositions tend to be indeterminate

The dispositions of juveniles adjudicated to be delinquent extend until the juvenile legally becomes an adult (21 years of age in most States) or until the offending behavior has been corrected, whichever is sooner.

Of the 45 States and the District of Columbia that authorize indeterminate periods of confinement—

- 32 grant releasing authority to the State juvenile corrections agency
- 6 delegate it to juvenile paroling agencies
- 5 place such authority with the committing judges
- 3 have dual or overlapping jurisdiction.

Most juvenile cases are disposed of informally

In 1982 about 54% of all cases referred to juvenile courts by the police and other agencies were handled informally without the filing of a petition. About 20% of all cases involved some detention prior to disposition.

Of about 600,000 cases in which petitions were filed, 64% resulted in formal adjudication. Of these, 61% resulted in some form of probation, and 29% resulted in an out-of-home placement.

The juvenile justice system is also undergoing changes in the degree of discretion permitted in confinement decisions

Determinate dispositions are now used in six States, but they do not apply to all offenses or offenders. In most cases they apply only to specified felony cases or to the juveniles with prior adjudications for serious delinquencies.

California imposes determinate periods of confinement for delinquents committed to State agencies based on the standards and guidelines of its paroling agency. Four States have similar procedures, administered by the State agencies responsible for operating their juvenile corrections facilities.

As of 1981 eight States had serious-delinquent statutes requiring that juveniles who are either serious, violent, repeat, or habitual offenders be adjudicated and committed in a manner that differs from the adjudication of other delinquents. Such laws require minimum lengths of commitment, prescribe a fixed range of time for commitment, or mandate a minimum length of stay in a type of placement, such as a secure institution.

Dispositions for serious juvenile offenders tend to look like those for adults

Aggregate statistics on juvenile court dispositions do not provide an accurate picture of what happens to the more serious offenders because many of the cases coming before juvenile courts involve minor criminal or status offenses. These minor cases are more likely to be handled informally by the juvenile court.

An analysis of California cases involving older juveniles and young adults charged by the police with robbery or burglary revealed more similarities in their disposition patterns than the aggregate juvenile court statistics would suggest. For both types of offenses, juvenile petitions were filed and settled formally in court about as often as were complaints filed and convictions obtained in the cases against adults. The juveniles charged with the more serious offenses and those with the more extensive prior records were the most likely to have their cases reach adjudication. At the upper limits of offense and prior record severity, juveniles were committed to secure institutions about as frequently as were young adults with comparable records.

The outcomes of juvenile and adult proceedings are similar, but some options are not available in juvenile court

For example, juvenile courts cannot order the death penalty, life terms, or terms that could exceed the maximum jurisdiction of the court itself. In Arizona the State Supreme Court held that, despite statutory jurisdiction of the juvenile courts to age 21, delinquents could not be held in State juvenile corrections facilities beyond age 18.³

Yet, juvenile courts may go further than criminal courts in regulating the lifestyles of juvenile offenders placed in the community under probation supervision. For example, the court may order them to—

- live in certain locations
- attend school
- participate in programs intended to improve their behavior.

The National Center for Juvenile Justice estimates that almost 70% of the juveniles whose cases are not waived or dismissed are put on probation, about 10% are committed to an institution.

Most juveniles committed to juvenile facilities are delinquents

	Percent of juveniles
Total	100%
Delinquents	74
Nondelinquents	
Status offenders	12
Nonoffenders (dependency, neglect, abuse, etc.)	14

Source: BJS Children in Custody 1985 unpublished data

Current sentencing alternatives reflect multiple objectives

What types of sentences usually are given to offenders?

Death penalty—In most States for the most serious crimes such as murder, the courts may sentence an offender to death by lethal injection, electrocution, exposure to lethal gas, hanging, or other method specified by State law

Incarceration—The confinement of a convicted criminal in a Federal or State prison or a local jail to serve a court-imposed sentence. Confinement is usually in a jail, administered locally, or a prison, operated by the State or Federal Government. In many States offenders sentenced to 1 year or less are held in a jail, those sentenced to longer terms are committed to a State prison

Probation—The sentencing of an offender to community supervision by a probation agency, often as a result of suspending a sentence to confinement. Such supervision normally entails specific rules of conduct while in the community. If the rules are violated a sentence to confinement may be imposed. Probation is the most widely used correctional disposition in the United States

Split sentences, shock probation, and intermittent confinement—A penalty that explicitly requires the convicted person to serve a brief period of confinement in a local, State, or Federal facility (the "shock") followed by a period of probation. This penalty attempts to combine the use of community supervision with a short incarceration experience. Some sentences are periodic rather than continuous, for example, an offender may be required to spend a certain number of weekends in jail

Restitution and victim compensation—The offender is required to provide financial repayment or, in some jurisdictions, services in lieu of monetary restitution, for the losses incurred by the victim

Community service—The offender is required to perform a specified amount of public service work, such as collecting trash in parks or other public facilities

Fines—An economic penalty that requires the offender to pay a specified sum of money within limits set by law. Fines often are imposed in addition to probation or as alternatives to incarceration

- As of 1985, 37 States had laws providing for the death penalty
- Virtually all death penalty sentences are for murder
- As of yearend 1985, 50 persons had been executed since 1976, and 1,591 inmates in 32 States were under a sentence of death

- More than 4,200 correctional facilities are maintained by Federal, State, and local governments. They include 47 Federal facilities, 922 State-operated adult confinement and community-based correctional facilities, and 3,300 local jails, which usually are county-operated
- On any given day in 1985 about 503,000 persons were confined in State and Federal prisons. About 254,000 were confined in local jails on June 30, 1985

- State or local governments operate more than 2,000 probation agencies
- At yearend 1985, nearly 1.9 million adults were on probation, or about 1 of every 95 adults in the Nation

- In 1984 nearly a third of those receiving probation sentences in Idaho, New Jersey, Tennessee, Utah, and Vermont also were sentenced to brief periods of confinement

- Nearly all States have statutory provisions for the collection and disbursement of restitution funds. A restitution law was enacted at the Federal level in 1982

- Many States authorize community service work orders. Community service often is imposed as a specific condition of probation

- The Victims of Crime Act of 1984 authorizes the distribution of fines and forfeited criminal profits to support State victim-assistance programs, with priority given to programs that aid victims of sexual assault, spousal abuse, and child abuse. These programs, in turn, provide assistance and compensation to crime victims
- Many laws that govern the imposition of fines are being revised. The revisions often provide for more flexible means of ensuring equity in the imposition of fines, flexible fine schedules, "day fines" geared to the offender's daily wage, installment payment of fines, and the imposition of confinement only when there is an intentional refusal to pay
- A 1984 study estimated that more than three-fourths of criminal courts use fines extensively and that fines levied each year exceed one billion dollars

In most cases, a felony conviction results in a sentence that includes incarceration

Incarceration is most likely for serious crimes of violence

Sentences imposed in nine jurisdictions in 1981^a

	Percent of convictions resulting in incarceration in prison or jail	
	Any	More than 1 year
All felonies ^b	71%	37%
Homicide and manslaughter	86	70
Sexual assault	79	52
Robbery	83	58
Assault	64	24
Burglary	76	39
Larceny and auto theft	62	24
Stolen property	66	26
Fraud	60	23
Drugs	62	21
Weapons	60	26
Other ^c	63	21

^aIndianapolis, Indiana; Los Angeles, California; Louisville, Kentucky; Borough of Manhattan, New York; New Orleans, Louisiana; State of Rhode Island; St. Louis, Missouri; Salt Lake City, Utah; San Diego, California.

^bIndicted cases that resulted in conviction in felony court; a few of the convictions were for misdemeanors.

^cIncludes kidnapping, morals offenses, arson, unknown, and miscellaneous other felonies.

Source: Barbara Boland with Ronald J. Sones, INSLAW, Inc. *The prosecution of felony arrests, 1981*. BJS, 1986.

Confinement may be in State prisons or local jails

In most jurisdictions local jails are used to incarcerate persons with short sentences (generally less than 1 year).

while longer sentences are served in State prisons. However, some jurisdictions use jail instead of prison more often as the sanction against convicted felons serving longer terms. For example, in both Baltimore City, Maryland, and Philadelphia, Pennsylvania, in 1983 two-thirds of convicted felons were sentenced to incarceration. In Baltimore, virtually all such persons went to State prisons, while Philadelphia sent half to State prisons and half to county institutions.

Many felons are sentenced to probation

A 1985 study of felony sentencing in 18 local jurisdictions revealed that more than a fourth of felony sentences were for probation alone. Almost another fifth of convicted felons were sentenced to a time in jail followed by probation (split sentence).

Sentences are more severe for offenders convicted of multiple charges than for those convicted of single charges

According to the 18-jurisdiction study—

- More than a fourth of the persons convicted of felonies were convicted of more than one charge.
- Persons convicted of multiple felony charges were more likely to go to prison and received longer sentences. Of those convicted of a single charge, 40% were sentenced to prison vs. 56% of those convicted of two charges and 69% of those convicted of four or more charges.
- About 11% of those convicted of multiple charges and sentenced to prison were given consecutive sentences; the individual sentences must be served in sequence. The rest were given concurrent sentences, allowing several sentences to be served at the same time.

Prison sentences are longer for multiple-charge convictions

Conviction offense	Average sentence length for offenders convicted of—			
	One charge	Two charges	Three charges	Four or more charges
Violent offenses				
Homicide	11.2 yrs	18.1 yrs	23.0 yrs	34.5 yrs
Rape	8.8	14.7	18.8	23.2
Robbery	6.4	10.5	11.4	17.6
Aggravated assault	5.9	7.3	8.6	9.3
Property offenses				
Burglary	3.8	5.8	7.3	6.1
Larceny	2.8	4.4	4.4	4.0
Drug trafficking	3.4	5.3	6.0	7.5

Note: Sentences were classified according to the most serious conviction offense. Offenses are listed in order of seriousness. In addition to the most serious conviction charge

multiple conviction charges may include lesser offenses including misdemeanors.

Source: *Felony sentencing in 18 local jurisdictions*. BJS Special Report, June 1985.

The death penalty is reserved for the most serious offenses and offenders

The death penalty was reaffirmed by the Supreme Court in 1976

In the 1972 decision *Furman v. Georgia*, the Supreme Court struck down on Eighth Amendment grounds (forbidding cruel and unusual punishment) State and Federal capital punishment laws that permitted wide discretion in the application of the death penalty. In response, many States revised their statutes to conform to the guidelines in *Furman*.

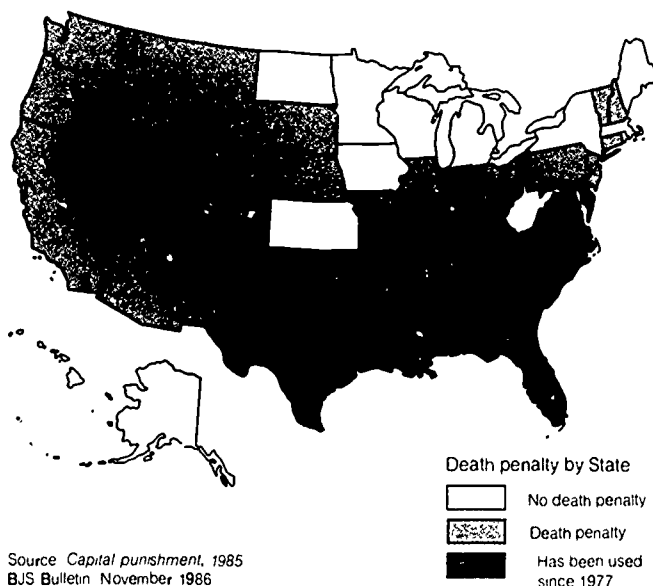
The High Court clarified these guidelines in a series of five decisions announced on July 2, 1976. In *Woodson v. North Carolina* and *Roberts v. Louisiana*, the Court struck down State statutes that required mandatory imposition of the death penalty for specified crimes. As a direct consequence, mandatory death penalty provisions in 21 States were invalidated either through later court action or repeal by State legislatures. This resulted in the modification to life imprisonment of death sentences imposed on hundreds of offenders in these States.

In three other major cases, however, the Supreme Court upheld State death penalty laws that afforded sentencing authorities discretion to impose death sentences for specified crimes (*Gregg v. Georgia*, *Jurek v. Texas*, and *Proffitt v. Florida*). The Court validated statutes that permitted the imposition of the death penalty after consideration of aggravating and mitigating circumstances.

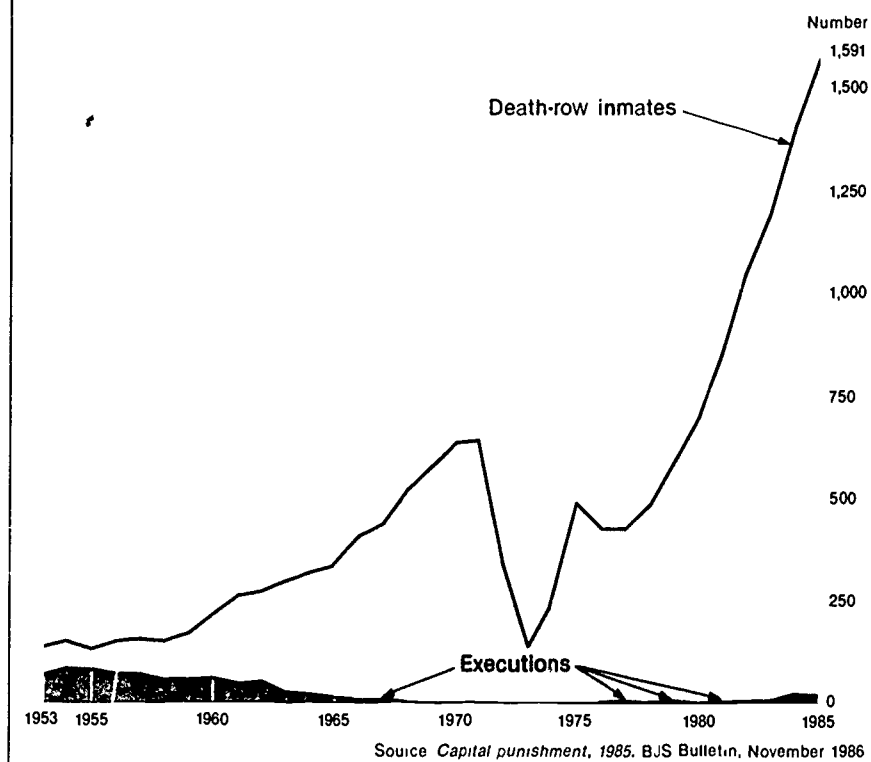
A total of 3,909 people have been executed since 1930, including 50 since 1977

In 1977 the first execution in a decade was carried out in Utah. Two more executions followed in 1979 (Florida and Nevada), 1 in 1981 (Indiana), 2 in 1982 (Virginia and Texas), 5 in 1983 (2 in Florida and 1 each in Alabama, Mississippi, and Louisiana), 21 in 1984 (8 in Florida, 5 in Louisiana, 3 in Texas, 2 each in Georgia and North Carolina, and 1 in Virginia), and 18 during 1985 (6 in Texas, 3 each in Florida and Georgia, 2 in Virginia, and 1 each in Indiana, Louisiana, South Carolina, and Nevada).

At the end of 1985, 37 States had death penalty laws in effect



The number of persons on death row reached an alltime high in 1985



What types of murder are most often cited in State capital punishment laws?

Type of murder for which death penalty is authorized	Number of States
--	------------------

Murder during another crime

Sexual offense (such as rape)	35
Kidnaping	34
Robbery	33
Burglary	32
Arson	29

Murder of a certain type of victim

Police or other law enforcement officer	34
Corrections employee	26
Firefighter	22

Murder by a person with a criminal history or criminal justice status

Defendant was in custody	27
Defendant was previously convicted of murder	20

Murder carried out in a particular way

Defendant created a grave risk of death to others	26
Murder was especially heinous, atrocious, cruel, vile, etc	23

Murder carried out for a particular purpose

For pecuniary gain (contract murder, murder for hire)	35
To effect an escape	26
To avoid or prevent an arrest	20

Other

Multiple murders	22
Hiring another to kill	21

Source: BJS analysis of State capital punishment laws, 1936

Who is on death row?

Of the 1,591 inmates on death row in 1985—

- All had been convicted of murder, 2 out of 3 had at least one prior felony conviction, 1 out of 11 had a prior murder conviction, and 2 out of 5 had a legal status (on bail, probation, or parole) at the time of the capital murder
- 1,574 were male and 17 were female
- 903 were white, 672 were black, 11 were American Indian, 5 were Asian, and 99 were of Hispanic origin.
- The median elapsed time since death sentence was imposed was 36 months.

What methods of execution are used by the various States?

Lethal injection	Electrocution	Lethal gas	Hanging	Firing squad
Arkansas ^a	Alabama	Arizona	Delaware	Idaho ^a
Idaho ^a	Arkansas ^a	California	Montana ^a	Utah ^a
Illinois	Connecticut	Colorado	New Hampshire	
Mississippi ^{a, b}	Florida	Maryland	Washington ^a	
Montana ^a	Georgia	Mississippi ^{a, b}		
Nevada	Indiana	Missouri		
New Jersey	Kentucky	North Carolina ^a		
New Mexico	Louisiana	Wyoming ^a		
North Carolina ^a	Nebraska			
Oklahoma ^c	Ohio			
Oregon	Pennsylvania			
South Dakota	South Carolina			
Texas	Tennessee			
Utah ^a	Vermont			
Washington ^a	Virginia			
Wyoming ^a				

^aAuthorizes two methods of execution

^bMississippi authorizes lethal injection for persons convicted after 7/1/84, executions of persons convicted before that date are to

be carried out with lethal gas

^cShould lethal injection be found to be unconstitutional, Oklahoma authorizes use of electrocution or firing squad

Source: Capital punishment, 1985, BJS Bulletin, November 1986

What is minimum age authorized for capital punishment?

Minimum age authorized for capital punishment

10 years	13 years	14 years	15 years	16 years	17 years	18 years
Indiana	Georgia	Missouri	Arkansas	Connecticut	New Hampshire	California
Vermont	Mississippi	North Carolina	Louisiana	Montana	Texas	Colorado
			Virginia	Nevada		Illinois
						Nebraska
						New Jersey
						New Mexico
						Ohio
						Oregon
						Washington

No minimum age specified

Federal	Oklahoma
Alabama	Pennsylvania
Arizona	South Carolina
Delaware	South Dakota
Florida	Tennessee
Idaho	Utah
Kentucky	Wyoming
Maryland	

Source: Capital punishment, 1985, BJS Bulletin, November 1986

For most inmates, prison sentences are much longer than the actual time they will serve

Sentences to prison vary widely between minimum and maximum terms and are longer for violent crimes

Admission offense	Percent of admissions	Average sentence of those admitted to prison	
		Minimum*	Maximum
All crimes	100%	40 mos	72 mos
Violent offenses	39%	62	100
Murder	4	177	281
Rape	3	82	117
Robbery	16	55	91
Assault	7	45	72
Property offenses	46%	27	58
Burglary	26	29	61
Auto theft	2	20	41
Forgery/fraud	5	26	53
Larceny	10	23	55
Drug offenses	8%	27	53
Public order offenses	5%	22	45
Other crimes	2%	27	27

*Defined as the estimated minimum time to be served prior to eligibility for release

Source: *Prison admissions and releases, 1983* BJS Special Report March 1986

Most prisoners are released before serving their maximum sentence

Release from prison generally occurs as the result of a decision of a paroling authority, mandatory release, or expiration of sentence. In 1984 half of all releases from prison were by a parole board decision

• **Parole** is the release of a prisoner by the decision of a paroling authority. The offender is placed under the supervision of a parole officer who monitors the offender's compliance with rules of conduct imposed by the paroling authority. Violations of these rules may result in reimprisonment for the balance of the unexpired sentence

• **Mandatory release** is based on earned "goodtime" (days earned for good behavior) or other statutory sentence-reduction measures and, though supervision is required after release, does not usually depend on the discretionary decision of a parole board. Supervision rules of conduct, if violated, may result in a return to prison for the time remaining on the sentence

• **Expiration of sentence** occurs when the maximum term imposed by the court is served and the offender must be released without further conditions or supervision.

The release-from-prison process varies among jurisdictions

How long a prisoner will serve for a given offense usually depends on a long chain of decisionmaking processes that begin with the—

- types of sentencing standards set by State law
- degree of discretion allowed to a sentencing judge
- laws that govern goodtime earnings and eligibility for parole.

Goodtime is offered in nearly all jurisdictions as an incentive for good behavior while confined

In most jurisdictions inmates may earn credits against their sentences in two ways—automatic or earned goodtime. Automatic goodtime refers to credits defined by law or regulation based on the length of the sentence imposed, the length of time served, or the seriousness of the offense. For example, Colorado and Louisiana may credit up to 15 days per month while Minnesota and Oregon may credit 1 day for every 2 served. In the Federal system, automatic goodtime varies with the duration of the sentence

Sentence length	Days credited per month
0-6 months	0 days
6 months to 1 year & 1 day	5
1 year & 1 day to 3 years	6
3 to 5 years	7
5 to 10 years	8
10 years or more	10

Earned goodtime, by contrast, is often given for participation in programs, such as education or vocational training, prison industry, or institutional work, and for exceptional conduct such as fighting forest fires and blood donations. Twenty States also have various kinds of early-release programs that may be invoked when institutions become crowded

In 1983, more than half the persons released from State prisons served 19 months or less

Conviction offense	Percent of releases	Time served by releasees	
		Average	Median
All offenses	100%	26 mos	19 mos
Violent offenses	34%	38	30
Murder	2	90	79
Manslaughter	3	36	32
Rape	2	54	47
Other sexual assault	2	34	29
Robbery	14	36	30
Assault	8	29	24
Kidnaping	1	41	33
Other violent offenses	1	19	14
Property offenses	47%	19	15
Burglary	24	21	17
Arson	1	25	21
Auto theft	2	17	15
Forgery/fraud	6	19	15
Larceny	12	16	12
Stolen property	2	18	13
Other property	2	16	12
Drug offenses	9%	19	15
Public order offenses	9%	13	10
Other crimes	1%	18	16

Note: Time served includes jail credits

Source: *Prison admissions and releases, 1983* BJS Special Report March 1986

The percentage of persons released from prison by parole-board decision has been declining

In 1977 nearly 72% of all prison releases were by a parole-board decision. By 1984 parole decisions accounted for 46% of all releases. This change illustrates the impact of the movement away from discretionary decisionmaking toward more fixed penalty systems both at the sentencing and release points in the justice system. Mandatory release has increased in significance, giving new importance to the role of goodtime provisions in determining the amount of time to be served

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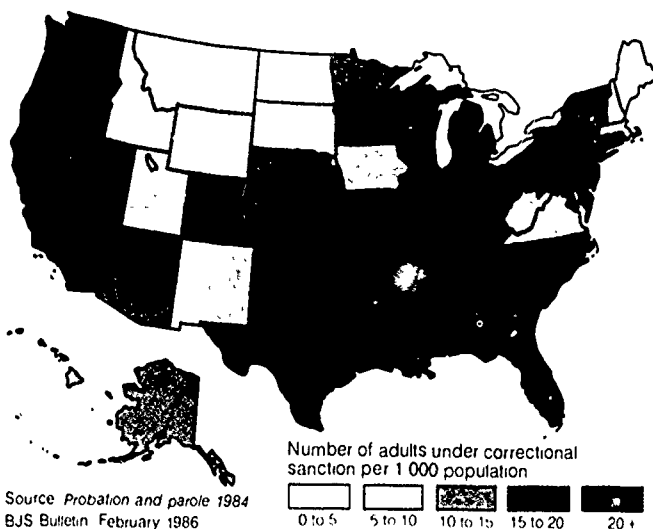
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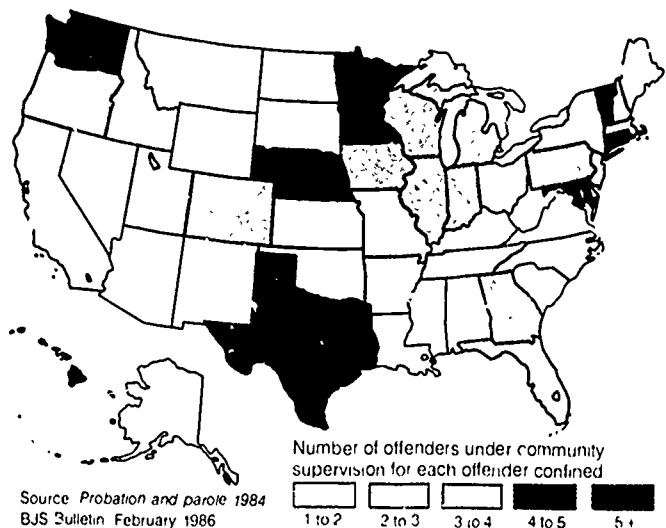
Section 6. Corrections

How many people are under some form of correctional supervision?

More than 1 1/2% of the adult U.S. population is under some form of correctional sanction



Three out of four adults under correctional care or custody are not incarcerated



More than 2.6 million adults are under some form of correctional care, custody, or supervision

Regions and States	Number of adults				Regions and States	Number of adults			
	On probation	In jail	In prison	On parole		On probation	In jail	In prison	On parole
United States, total	1 870 132	218 995	503 315	277 438	South				
Federal	55 217	.	40 223	16 860	Alabama	16 520	4 452	11 015	2 425
State	1 814 915	218 995	463 092	260 578	Arkansas	9 268	1 540	4 611	3 830
Northeast					Delaware	7 103	.	2 553	864
Connecticut	36 805	.	6 149	597	District of Columbia	11 777	.	6 404	2 340
Maine	4 451	542	1 226	68	Florida	130 767	14 313	28 600	4 214
Massachusetts	24 637	3 304	5 390	4 496	Georgia	94 461	10 213	16 014	8 538
New Hampshire	3 096	469	683	453	Kentucky	14 887	3 672	5 801	3 471
New Jersey	48 466	5 956	11 335	13 385	Louisiana	26 638	8 501	13 890	3 718
New York	100 816	15 877	34 712	25 279	Maryland	67 138	4 572	13 005	7 308
Pennsylvania	65 286	10 167	14 227	12 200	Mississippi	6 636	2 482	6 392	3 392
Rhode Island	7 536	.	1 307	402	North Carolina	56 207	3 474	17 344	3 184
Vermont	5 298	.	677	236	Oklahoma	20 310	2 164	8 330	1 625
Midwest					South Carolina	17 964	2 674	10 510	3 251
Illinois	74 156	8 819	18 634	11 421	Tennessee	24 648	5 975	7 127	7 499
Indiana	39 121	3 466	9 904	2 797	Texas	269 909	15 176	37 532	47 471
Iowa	12 063	828	2 832	1 971	Virginia	17 236	5 616	12 073	5 641
Kansas	15 473	1 305	4 732	2 282	West Virginia	3 905	1 015	1 725	638
Michigan	75 162	7 627	17 799	6 639	West				
Minnesota	32 986	1 941	2 343	1 364	Alaska	2 606	34	2 329	155
Missouri	26 760	3 761	9 915	4 534	Arizona	18 176	2 906	8 531	1 717
Nebraska	10 720	817	1 814	364	California	210 449	41 656	50 111	33 983
North Dakota	1 569	236	422	166	Colorado	17 612	2 739	3 369	2 003
Ohio	61 465	7 087	20 864	6 509	Hawaii	7 986	.	8 111	716
South Dakota	2 249	310	1 047	415	Idaho	3 414	566	1 294	483
Wisconsin	24 288	3 003	5 442	3 850	Montana	2 712	394	1 129	694
					Nevada	5 365	928	3 771	1 313
					New Mexico	4 185	1 324	1 324	1 115
					Oregon	22 377	2 304	4 454	2 010
					Utah	6 330	906	1 633	1 174
					Washington	44 248	3 595	6 909	6 039
					Wyoming	1 676	309	758	329

Note: Jail data are for June 30 1983. All other are for December 31 1985.
Jail populations in States with consolidated jail/prison systems are included in prison population counts.

Source: Probation and parole 1985. BJS Bulletin January 1987.

An estimated 95% of State prison inmates are either convicted violent offenders or have a history of prior sentences to probation, jail, or prison

Major factors in the decision to impose a prison sentence are the gravity of the current conviction offense and the seriousness and extent of the prior criminal history of the offender.

In 1979—

- For an estimated 58% of State prison inmates, conviction for committing a violent crime led to their current incarceration.
- About a third of these violent offenders had previous convictions for a violent offense and 3 of 4 had at least one prior sentence to probation, jail, or prison.
- Nearly 9 of 10 of the prisoners convicted of a nonviolent offense had at least one prior sentence to probation, jail, or prison.

Overall, about 5% of State prison inmates had a current conviction for a nonviolent crime and had no previous sentences to probation, jail, or prison. Nearly half of these first-time, nonviolent offenders were in State prison for conviction offenses of burglary or drug trafficking and about a third had two or more current conviction offenses.

How does the imprisonment rate in the United States compare to that of other countries?

Comparisons between the United States and other countries should be made with caution because of differences in criminal justice systems, crime classifications, and data collection.

For example, no event in the Federal Republic of Germany corresponds specifically to arrest. Their data include persons suspected of crimes (less serious than arrest) and persons formally charged with crimes (more serious than arrest).

	Estimated percent of arrested adults who are convicted and incarcerated for —		
	Robbery	Burglary	Theft*
United States	49%	35%	18%
Canada	52	23	14
England and Wales	48	30	14
Federal Republic of Germany	23-58**		4-9

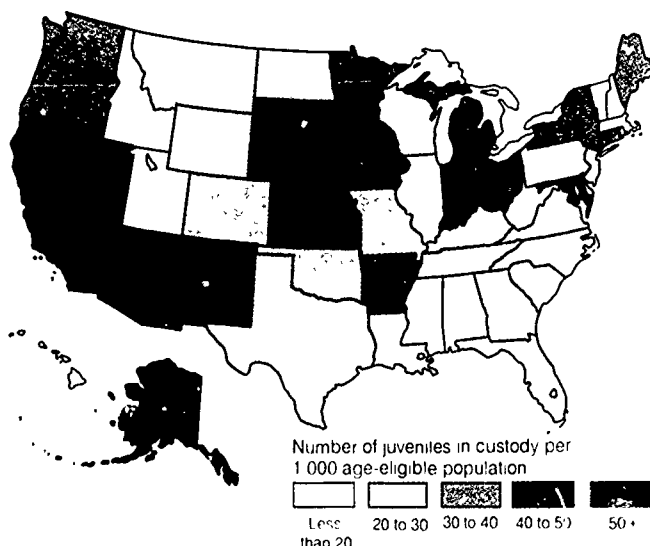
Not available
 *Includes burglary and auto theft
 **Because no event like arrest exists here, this range represents the percent of those suspected of crime and the percent of those formally charged with crimes

Source: *Imprisonment in four countries*, BJS Special Report February 1987

More than 83,000 persons were in juvenile facilities in 1985

	Number of juveniles in public and private facilities
United States total	83,402
Northeast	
Connecticut	997
Maine	467
Massachusetts	1,064
New Hampshire	235
New Jersey	1,814
New York	5,396
Pennsylvania	3,283
Rhode Island	316
Vermont	137
Midwest	
Illinois	2,066
Indiana	2,886
Iowa	1,090
Kansas	1,363
Michigan	3,369
Minnesota	1,912
Missouri	1,415
Nebraska	834
North Dakota	207
Ohio	4,860
South Dakota	439
Wisconsin	1,775
South	
Alabama	974
Arkansas	922
Delaware	190
District of Columbia	417
Florida	3,335
Georgia	1,300
Kentucky	1,047
Louisiana	1,530
Maryland	2,154
North Carolina	1,344
Oklahoma	835
South Carolina	762
Tennessee	1,530
Texas	4,122
Virginia	1,724
West Virginia	265
West	
Alaska	361
Arizona	1,799
California	15,812
Colorado	1,096
Hawaii	210
Idaho	261
Montana	247
Nevada	542
New Mexico	804
Oregon	1,179
Utah	281
Washington	1,748

About 3% of the juvenile population was in custody in 1985



Sources: *Children in custody: Public juvenile facilities 1985*, BJS Bulletin October 1986, and *Children in Custody 1985*, unpublished data

Note: Data on juveniles are for February 1, 1985. An additional 2,112 adults were held in juvenile facilities. Data from Mississippi and Wyoming are not shown to preserve confidentiality.

Source: *Children in custody: Public juvenile facilities 1985*, BJS Bulletin October 1986, and *Children in Custody 1985*, unpublished data

What are the trends in correctional populations?

All correctional populations are growing

Correctional population	1963		1984		1985		Percent change in correctional populations 1983-85
	Number	Percent of adult population	Number	Percent of adult population	Number	Percent of adult population	
Total	2 488 450	1.45%	2 705 525	1.56%	2 904 979	1.65%	16.7%
Probation	1 582 947	.92	1 740 948	1.00	1 870 132	1.06	18.1
Jail	221 815	.13	233 018	.13	254 094	.14	14.6
Prison	437 248	.26	464 567	.27	503 315	.29	15.1
Parole	246 440	.14	266 992	.15	277 438	.16	12.6

Note: The following are estimates of the resident population age 18 and older on July 1, 1983—171 332 000, 1984—173 469 000, 1985—175 727 000. Population counts for proba-

tion, parole, and prison are for December 31, and jail counts are for June 30.

Source: Probation and parole 1985, BJS Bulletin, January 1987.

Probation populations are growing at a faster rate than other correctional populations

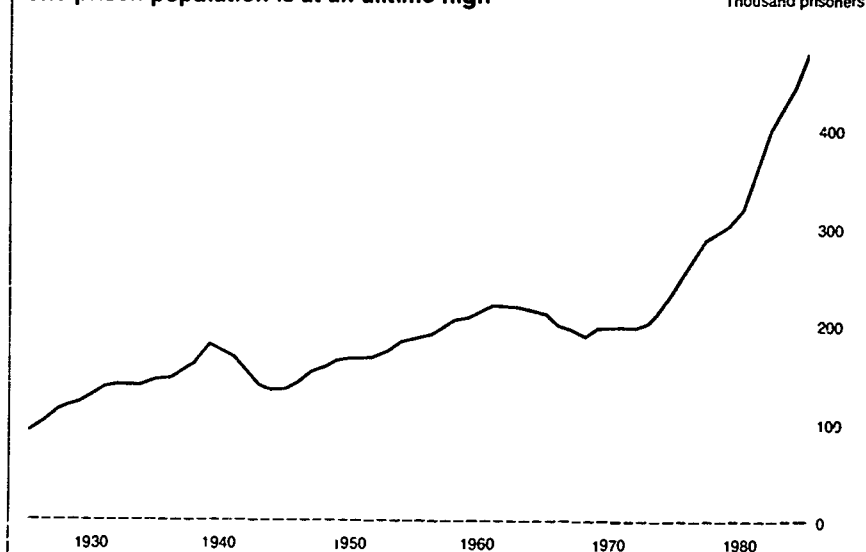
Over the past several years, probation populations have increased by more than 18% vs about 15% in jail and prison populations and nearly 13% in the number of parolees. Nearly two-thirds of the total correctional population was under probation supervision in the community at yearend 1985.

Probationers were one of every

1983 109 adults
1984 100
1985 94

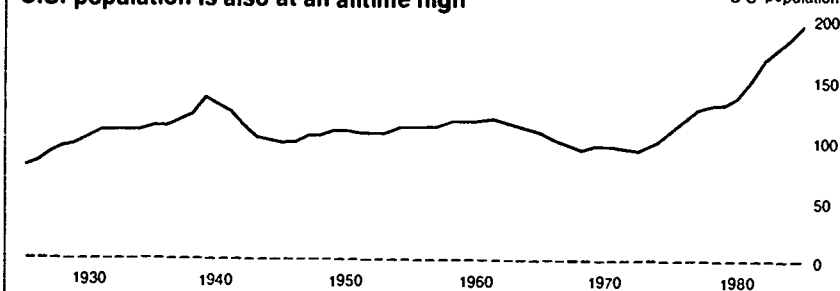
The prison population is at an alltime high

Thousand prisoners



The incarceration rate for the entire U.S. population is also at an alltime high

Inmates per 100,000 U.S. population



Source: State and Federal prisoners, 1925-1985, BJS Bulletin, October 1986.

Since 1970 the number of local jails has declined by 17% and the number of inmates present on a single day has risen by nearly 40%.

The reduction in the number of local jails reflects increasing consolidation of small jails into larger institutions, often serving more than one jurisdiction. In 1972 there were 113 jails designed to house 250 inmates or more; by 1983 there were 201 facilities of this size.

The number of jail inmates grew from 160,863 in 1970 to 223,551 in 1983. The 1972 Jail Census found the number of jail inmates declined to 141,588. By the 1978 Jail Census, the jail population had begun to rise again to 158,394. This increase continued with the 1983 jail population reaching a peak since data collection began in 1970.

Perhaps the single most important feature of local jails is the rapidity of population movements. In 1978 about 6.1 million were admitted to local jails vs about 8.1 million in 1983.

Why are prison populations growing?

State departments of corrections attribute the increase in prison population to changes in sentencing laws and practices that reflect greater interest in deterrence, incapacitation, and just deserts considerations; stricter law enforcement; growth in the number of persons in the high-risk age group (males ages 20-29); and, in some cases, economic conditions

The number of admissions to prison annually has increased relative to both the number of serious crimes reported to the police and the number of adult arrests

Between 1980 and 1984, for example, prison population increased by 41%, commitments per 100 serious crimes increased by 50%, commitments per 100 adult arrests for serious crimes increased 25% and the number of commitments increased 19%. Over the same period, the number of adults in the resident population increased by 9%

Since 1977 prison populations have grown by more than two-thirds

By yearend 1985 the Nation's prison population exceeded 500,000 and was growing by 750 new prisoners a week. During the preceding 5 years, Western States led the Nation, increasing their sentenced prison population by nearly 90%. In Southern States, many under Federal or State court orders to limit growth and control crowding, inmate growth was 37%. The prison populations growing most rapidly were in Alaska (160%), Hawaii (129%), Nevada (113%), New Hampshire (110%), California (108%), and New Jersey (104%)

Total admissions to prison reached an all-time high in 1984

Growth in admissions is due partly to the increase in conditional release violators returned to prison (mostly probation and parole violators). Among admissions to prison, conditional release violators made up 5% in 1930, 19% in 1970, and 23% in 1984.

Court commitment rates have not been shrinking. The highest rate of court commitments (101 per 100,000 adults in the population) was reached in 1983. In 1930 it was 70; in 1970 it was 50

Between 1979 and 1984 the number of inmates in State-operated, community-based halfway houses grew half as fast as the number of inmates in State prisons

Many States operate halfway houses in local communities. They do so to ease the transition for State-sentenced prisoners from their confinement to their impending release. Between 1979 and 1984 the number of residents of such halfway houses grew by 2,300, even though, during the same period, the nationwide percentage of State-sentenced prisoners residing in such halfway houses declined from 4% to 3%

In both 1979 and 1984 Southern States accounted for about half of the State-operated, community-based halfway houses and for more than 60% of the residents of such houses

Between 1979 and 1984, while State prison populations grew by nearly 45%, the number of residents of halfway houses grew by about 21%

The use of parole is declining

The methods by which persons are discharged from prison have changed dramatically in recent years. The percentage of release decisions made by parole boards declined from 72% in 1977 to 43% in 1985.

What are the trends in juvenile correctional populations?

The total number of residents in juvenile facilities has grown. Between 1974 and 1985 the 1-day count of juveniles in custody grew by 9%, and the average daily population grew by 6%

Most of the recent increase in population (1979-85) is accounted for by growth in the number of delinquents from about 49,000 in 1979 to about 58,000 in 1985. The number of status offenders has remained at 9,000 since 1979, but the number of nonoffenders (dependent, neglected, or voluntary admissions) housed in these facilities has grown by about 21%

From 1974 to 1984 admissions and discharges to juvenile facilities both declined by 10%. Most of this decline resulted from declines in public facility admissions (18%) and discharges (19%). In privately operated facilities during this time, admissions increased by 88% and discharges increased by 102%

In what type of facilities are prisoners held?

Confined offenders are housed in three types of facilities

- **Jails** are operated by local governments to hold persons awaiting trial or generally those sentenced to confinement for less than 1 year. In seven jurisdictions (Vermont, Rhode Island, Connecticut, Delaware, Alaska, Hawaii, and the District of Columbia), jails are operated by the same authority that administers the prison system. On June 30, 1983, 223,531 persons were held in 3,338 local jails. The Federal Bureau of Prisons operates Metropolitan Correctional Centers and Detention Centers that essentially function as Federal jails.

- **Prisons** are operated by States and the Federal Government to hold persons sentenced to confinement for generally more than 1 year; 4% of the Nation's prison inmates are serving sentences of less than 1 year or are unsentenced, nearly 63% of such inmates are housed in Federal institutions or the 7 jurisdictions with consolidated prison and jail systems. On June 30, 1984, 381,955 persons were confined in 694 State prisons.

- **Community-based facilities** are operated publicly or privately (under contract) to hold persons for less than 24 hours a day to permit the offender limited opportunities for work, school, or other community contacts. Such facilities are used for a variety of purposes including specialized interventions or assistance (for example, drug or alcohol treatment), graduated release from prison, usually prior to parole—or as a sanction in lieu of prison or jail confinement. On June 30, 1984, 13,354 offenders were residing in 209 State-operated facilities and about 7,000 more beds were in use in privately operated facilities.

Most jails are quite small and hold small numbers of persons in custody

Two out of three local jails were built to hold fewer than 50 inmates, but only 1 of 8 jail inmates reside in such facilities. More than half of all jail inmates are in facilities built to house 250 or more inmates, but such places account for about 6% of all local jails.

Large jails are the most densely populated

The number of jail inmates often varies between weekends and weekdays and increases sharply after arrest sweeps by police. As a result, jail populations fluctuate more than those of prisons, so that jails typically need more reserve capacity than prisons. Nevertheless, unused bed space shrank between 1978 and 1983 as occupancy rose from 64% to 81%. Moreover, among large jails, where most inmates were housed, occupancy rose from 77% in 1978 to 96% in 1983. Among regions in 1983, occupancy in large jails peaked at 102% of capacity in the West, 97% in the Northeast, 96% in the Midwest, and 90% in the South.

Jails house diverse populations

Nationally, jails hold a mix of persons at various stages of criminal justice processing.

Among jail inmates are persons—

- awaiting arraignment or trial (the unconvicted)
- convicted but awaiting sentence
- sentenced to prison but awaiting transport

- held in jail because of prison crowding (there were more than 11,500 such persons in 1984)
- convicted of probation or parole violations

It is estimated that in 1984 49% of all jail inmates were convicted, the other 51% had not been convicted.

Annual jail admissions are nearly 36 times the average daily population

Perhaps the most important feature of local jails is the high volume of inmate turnover. In the year ending June 30, 1983, the 3,338 local jails reported a total of more than 16 million admissions and releases. In the Nation, nearly 44,000 jail transactions occur each day.

What are the staffing patterns of local jails

Occupational categories	Full time employees in local jails	
	Number	Inmate/staff ratio
Total	58,763	3.8
Administrative	5,220	4.8
Custodial	41,876	5.3
Service	3,958	56.5
Other	7,709	29.0

Note: Data are as of June 30, 1983.

Source: *The 1983 jail census*, BJS Bulletin, November 1984.

More than half the Nation's inmates live in large prisons

On June 30, 1984, the 694 State-operated prisons held 381,955 inmates. Southern States operated nearly 48% of these institutions, which held about 44% of all State inmates. Large prisons, housing more than 1,000 inmates, made up 15% of all prisons but held more than half the Nation's prisoners.

Prisons are often classified by the level of security

• **Maximum- or close-custody prisons** are typically surrounded by a double fence or wall (usually 18 to 25 feet high) with armed guards in observation towers. Such facilities usually have large interior cell blocks for inmate housing areas. In 1984, according to self-reports of superintendents, about 1 in 4 State prisons was classified as maximum security, and about 44% of the Nation's inmates were held in these facilities.

• **Medium-custody prisons** are typically enclosed by double fences topped with barbed wire. Housing architecture is varied, consisting of outside cell blocks in units of 150 cells or less, dormitories, and cubicles. In 1984, according to self-reports of superintendents, 40% of all prisons were medium security and 44% of the Nation's inmates were held in such facilities.

• **Minimum-custody prisons** typically do not have armed posts and may use fences or electronic surveillance devices to secure the perimeter of the facility. More than a third of the Nation's prisons are graded by superintendents as minimum-security facilities, but they house only about 1 of 8 inmates. This is indicative of their generally small size.

What are the characteristics of State prisons?

Characteristics	Percent of prisons	Percent of inmates
Total	100%	100%
Region		
Northeast	15	17
Midwest	20	20
South	48	44
West	17	19
Size		
Less than 500 inmates	65	22
500-1,000	20	27
More than 1,000	15	51
Custody level		
Maximum security	25	44
Medium security	39	44
Minimum security	35	12
Sex of inmates housed		
All male	88	91
All female	7	3
Coded	5	5
Age of facility		
Over 100 years	5	12
50-99 years	16	23
25-49 years	22	18
15-24 years	14	13
5-14 years	23	20
5 years or less	20	15
Not known	—	—

Note: Totals may not add to 100% because of rounding.
— Less than 5%

Sources: *Population density in State prisons*, BJS Special Report, December 1986; *BJS 1984 Census of State Adult Correctional Facilities*, NCJ 105585, August 1987.

One in three prisons is at least 50 years old and 43% of all inmates live in such prisons

About one in five prisons is 5 years old or less. This is indicative of the rapid construction of new prisons in recent years. More than half of all prisoners are confined in prisons at least 25 years old; about 1 in 8 lives in a prison that is more than 100 years old.

Prisons employ about 1 staff member for every 3 inmates

In 1984 more than 135,000 persons were employed full-time in the Nation's State prisons. Custodial staff made up about two-thirds of all prison employees, with about four inmates per custodial officer. Prisons in Maine, New Mexico, Rhode Island, and Vermont reported the fewest inmates per staff member; prisons in Alabama, Arkansas, Nevada, and Ohio had the highest ratios of inmates to staff.

Since 1979 the number of full-time prison staff grew by nearly 45%. Custodial staff accounted for about 82% of the increase among all categories of employees. During the same period, prison population increased at about the same proportion as all staff.

About 3% of State inmates live in State-operated, community-based facilities

On June 30, 1984, 13,354 offenders residing in State correctional facilities were living in facilities that provided regular access to the community for selected offenders. These facilities, often referred to as halfway houses or prerelease centers, generally are used during the last 3-6 months of a State sentence to provide for gradual reentry to the community from prison. Female offenders make up about 4% of those in prisons and about 8% of those in community-based facilities.

The 209 community-based facilities are generally small—about half hold fewer than 50 inmates. About 1 in 7 of such facilities is designed to hold both male and female inmates.

Prison crowding is a major issue in nearly every State

Recent growth in State and Federal prison populations has been substantial

Between 1980 and 1985, sentenced prison populations grew by 52%, adding more than 150,000 inmates over the period. The sentenced population of 34 States and the Federal prison system grew by 50% or more. Among the States with the fastest growth in prisoner populations were Alaska (160%), Hawaii (129%), Nevada (113%), New Hampshire (110%), and California (108%)

Growth of this magnitude has been difficult for many jurisdictions to accommodate. Planning, funding, siting, and building a facility and acquiring trained staff may require 5-7 years before the opening of a new facility. Between 1979 and 1984, 5.4 million square feet of housing space was built, an increase of 29% over the 1979 level. However, most States and the Federal Government continue to operate in excess of their capacities.

Various measures are used to assess crowding

Some of the most commonly used measures of crowding are—

- whether inmates are in single or multiple occupancy units
- the amount of space available per inmate (usually expressed in square feet)
- how long prisoners are confined in the housing unit and how long they spend, for example, in recreational or work areas

- the type of housing in which inmates are confined (general housing or special segregated housing that may be used for disciplinary confinement or protective custody)

The American Correctional Association's accreditation standards specify that inmates held in single occupancy cells should have at least 60 square feet in the cell and should not spend more than 10 hours per day in the cell. For inmates housed in multiple occupancy cells, the standards recommend 50 square feet per inmate and confinement for no more than 10 hours per day in a housing unit.

Other factors are often cited as being involved in crowding, such as the amount of privacy and security provided inmates and the ability of the facility to provide adequate food, basic health care, recreational opportunities, and other types of programs.

In what kind of space are prison inmates confined?

	Percent of inmates in general housing units with —		
	Less than 60 square feet	60 or more square feet	Total
Single occupancy	12%	18%	30%
Hours confined per day			
Less than 10 hours	8	12	20
10 or more hours	5	5	10
Multiple occupancy	49	21	70
Hours confined per day			
Less than 10 hours	32	15	47
10 or more hours	17	6	23
Total	62%	38%	100%

Note: Special housing is excluded because by definition inmates in such housing generally are kept in their housing units and are not eligible to participate in regular prison programs.

Source: Population density in State prisons. BJS Special Report, December 1986.

States vary widely in the amount of housing space available to State prison inmates

	Average square feet per inmate				
	Less than 50	50-59	60-69	70-79	80-89
North east	Maine 49.9 N. Hampshire 42.1	Massachusetts 59.5 Pennsylvania 51.6 Connecticut 50.2	New York 66.2 New Jersey 64.7 Rhode Island 64.3 Vermont 60.1		
Mid west	S. Dakota 49.7 Missouri 48.6 Kansas 40.6	Illinois 57.2 Ohio 53.7 Indiana 52.3	N. Dakota 69.1 Minnesota 66.5 Michigan 66.2 Nebraska 61.7 Iowa 61.2	Wisconsin 70.4	
South	Maryland 48.7 S. Carolina 46.3 Texas 39.9	Alabama 59.5 Tennessee 55.9 Florida 55.4 N. Carolina 55.3 Mississippi 50.0	Virginia 66.9 Oklahoma 66.7	Arkansas 75.7 W. Virginia 73.1 Louisiana 72.5 Kentucky 71.5	Delaware 87.8 DC 84.4 Georgia 81.0
West	California 48.0 Washington 47.6 Oregon 46.5 Idaho 46.3 Hawaii 37.6	Montana 54.4 Nevada 54.4	Utah 64.8	Arizona 75.6 N. Mexico 75.5 Alaska 71.0	Wyoming 89.2 Colorado 80.2
Regionally		Northeast 55.4 South 55.5 Midwest 55.9 West 54.1			
		U.S. 57.3			

Note: Table is based on 367,953 inmates in general and special housing on June 30, 1984. It excludes infirmary space and inmates housed in infirmaries.

Source: Data derived from Population density in State prisons. BJS Special Report, December 1986.

Prison space varies by housing type

Units with the least amount of space per inmate tend to be —

- occupied by two persons
- protective custody or disciplinary segregation units
- maximum security units

- in facilities built in 1885 or earlier
- in facilities that house 1,000 or more inmates
- in facilities that house all males or both males and females

	Percent of all inmates	Average square feet per inmate	Percent of inmates in multiple occupancy	Average number of hours per day confined to unit
All prisons	100%	57.3 sq. ft.	67%	11.3 hours
Number of persons per unit				
One inmate	34	68.2	0	12.3
2	24	31.4	100	11.0
3-5	3	45.8	100	11.3
6-49	16	63.9	100	10.7
50 or more	24	61.8	100	10.5
Housing unit use				
General housing	88	57.3	70	10.4
Special purpose	9	57.1	30	19.9
Other	4	128.2	65	15.0
Security designation				
Maximum security	33	52.8	49	13.1
Medium	45	57.1	72	10.8
Minimum	22	64.3	82	9.5
Age of facility				
Over 100 years	12	49.2	43	13.5
50-99	23	58.9	59	11.5
25-49	18	53.0	78	10.7
15-24	13	53.8	75	11.2
5-14	20	60.6	73	10.8
5 or less	15	64.9	68	10.6
Size of facility				
1-499 inmates	22	66.6	74	10.3
500-1,000	27	58.1	68	11.1
More than 1,000	51	52.7	63	11.8
Facility houses				
All males	91	57.0	66	11.4
All females	3	64.7	68	9.9
Both	5	57.0	59	10.4

Note: Data refer to inmates in general and special housing except under Housing unit use where Other is shown for comparison.

Percentage may not total to 100 because of rounding.

Source: Population density in State prisons, BJS Special Report, December 1986.

Many States hold prisoners in local jails because of prison crowding

At yearend 1985, 19 States reported more than 10,000 State-sentenced inmates in local jails because of prison crowding. Nationally, locally retained State prisoners accounted for about 2% of the total prison population. States with the largest percentage of prison inmates held in local jails were Louisiana (21%), Mississippi (15%), Kentucky (14%), and New Jersey (12%). Together, these States account for 62% of the prisoners backed up in local jails.

A number of States may release inmates earlier than usual to control prison populations

Generally, the three types of early release programs are—

• **Emergency release**—This permits jurisdictions to release inmates who are approaching the end of their sentences. Alaska, for example, allows early release of nonviolent offenders within 6 months of release. Wisconsin inmates may be discharged early if they are within 135 days of release.

• **Sentence rollback**—Nine States use sentence reductions to achieve population control. Generally, this approach requires a formal declaration that the prison system is above its authorized capacity and sentences of selected inmates (such as first offenders or non-violent offenders) may be reduced by up to 90 days. Some States permit reductions to be applied to the same offender more than once during a term of imprisonment.

• **Early parole**—Eight States allow parole release dates to be advanced for certain categories of offenders when the prison system is crowded.

Such programs may also entail a period of more stringent supervision by a parole officer or participation in special community-based programs.

During 1985, 19 States reported nearly 19,000 early releases under one or more of these approaches.

Prisons with the highest densities hold about a quarter of prison inmates

A prison is said to have the highest population density when more than 40% of its inmates in regular housing reside in less than 60 square feet for more than 10 hours per day. More than half of all prisons have no inmates in these conditions.

Population densities were highest in prisons in—

- the Southern and Western States
- larger institutions (more than 1,000 inmates)
- maximum security institutions
- male-only prisons
- the oldest prisons (more than 100 years old)

Juvenile offenders are housed in many kinds of facilities

More than 83,000 juveniles were in custody during 1984

They were held in 3,036 public and private juvenile custody facilities that were in operation in 1984. Such facilities include detention centers, training schools, reception or diagnostic centers, shelters, ranches, forestry camps or farms, halfway houses, and group homes.

The range of facilities and programs; the housing of delinquents, status offenders, voluntary admissions, and dependent and neglected children in the same facilities, and the participation of both the public and private sectors clearly distinguishes juvenile corrections from adult corrections.

Most juveniles in custody were being detained or were committed for a criminal offense

Of the 83,402 juveniles held in public and private facilities—

- 11% were being held for a violent offense of murder, forcible rape, robbery, or aggravated assault
- 23% were being held for the property crimes of burglary, arson, larceny-theft, or motor vehicle theft
- 4% were being held for alcohol or drug offenses

Of the 25,451 nondelinquents held in juvenile facilities—

- 35% were status offenders
- 36% were being held for other reasons such as dependency, neglect, and abuse
- 28% were admitted voluntarily

Public and private facilities generally hold different types of juveniles

Almost all (93%) of the juveniles in public facilities either are—

- detained pending adjudication
- have been committed after a finding of delinquency for a criminal offense (about a third of the juveniles in private facilities are in this classification)

Juvenile facilities are classified by the term of stay and type of environment

Term of stay

• **Short-term**—facilities that hold juveniles awaiting adjudication or other disposition.

• **Long-term**—facilities that hold juveniles already adjudicated and committed to custody.

In 1985, 46% of public facilities and 9% of private facilities were short-term; 54% of public facilities and 91% of private facilities were long-term.

Type of environment

• **Institutional**—environments impose greater restraints on residents' movements and limit access to the community. Most detention or diagnostic centers, training schools, and ranches are classified as having institutional environments

• **Open**—environments allow greater movement of residents within the facilities and more access to the community. Facilities with open environments mainly include shelters, halfway houses, group homes, and ranches, forestry camps, or farms.

Most public facilities (65%) have institutional environments, but most private facilities (86%) have open environments

Most juvenile facilities are private, but about three-fifths of the juveniles are held in public facilities

Private facilities usually have open environments and are used for long-term custody. About 30% of all juveniles in custody are held in such facilities. Public facilities generally have institutional environments and are used for both short- and long-term custody. About 30% of all juveniles held are in long-term institutional public facilities, another 18% are in short-term institutional public facilities

Most juvenile facilities are small; 80% are designed to house 40 residents or less

Design capacity*	Number of facilities		
	Public and private combined	Public	Private
Total	3,036	1,040	1,996
Less than 10 residents	1,053	141	912
10-20	913	326	638
21-40	464	226	207
41-99	387	174	193
100-199	146	114	32
200 and over	73	59	14

*The number of residents a facility is constructed to hold without double bunking in single rooms or using areas not designed as sleeping quarters to house residents

Source: *Children in custody: Public juvenile facilities 1985*, BJS Bulletin, October 1986; and *Children in Custody 1985*, unpublished data

What is the staffing ratio of juvenile facilities?

	Number of residents per 10 staff members	
	Public	Private
All staff	9	8
Part-time	38	30
Full time	11	12
Staff function		
Treatment/education	49	40
Youth supervision	22	24
Other	43	41

Source: BJS *Children in custody, 1982/83 Census of Juvenile Detention and Correctional Facilities*, September 1986

How many offenders return to criminal activity after they are released?

Assessing postcorrectional performance depends on long-term followup of prison releases

Some indicator of a return to criminal activity is typically used to evaluate postcorrectional performance. Rearrest, reindictment, reconviction, and reimprisonment measured over some period of time after release from prison are generally used to gauge the extent of success and failure (recidivism) associated with correctional programs.

The unit of time selected and the level of criminal justice system penetration (that is, more persons are likely to be rearrested than reimprisoned) will substantially affect judgments about the proportion of releasees failing or succeeding after a correctional experience.

Moreover, conditionally released populations (parolees) are subjected to supervision requirements that, if violated, may result in a return to prison for noncriminal conduct (such as curfew violation or failure to report to a parole officer).

Most prison inmates have prior convictions

Inmate criminal history	Percent of 1979 admissions to prison
Total	100%
Prior convictions	84%
1	19
2	17
3	11
4	9
5	6
6-10	15
11 or more	7
No prior convictions	16%

Source: *Examining recidivism*
BJS Special Report, February 1985

Measures of recidivism vary; more offenders are rearrested than reconvicted and more are reconvicted than reincarcerated

	Percent of young parolees who within 6 years of release from prison were —		
	Re-arrested	Reconvicted	Reincarcerated
All parolees	69%	53%	49%
Sex			
Men	70%	54%	50%
Women	52	40	36
Race/Ethnicity			
White	64%	49%	45%
Black	76	60	56
Hispanic	71	50	44
Other	75	65	63
Education			
Less than 12 years	71%	55%	51%
High school graduate	61	46	43
Some college	48	44	31
Paroling offense			
Violent offenses	64%	43%	39%
Murder	70	25	22
Robbery	64	45	40
Assault	72	51	47
Property offenses	73%	60%	56%
Burglary	73	60	56
Forgery/fraud	74	59	56
Larceny	71	61	55
Drug offenses	49%	30%	25%

Source: *Recidivism of young parolees*
BJS Special Report, May 1987

Over a 20-year period, an estimated half of all releasees will return to prison, most in the first 3 years after release

A study based on prisoner self-reports of how long it took them to return to prison found that 49% of all males released from prison could be expected to return within 20 years. 60% of those returning reentered prison within the first 3 years after release. The highest risk of returning to prison was in the first year after release.

The number of prior arrests is strongly related to the probability of rearrest and reincarceration after release from prison

Number of arrests prior to prison release	Percent of young parolees who within 6 years of release were —	
	Re-arrested	Reincarcerated
1 arrest	59%	42%
2	64	45
3	70	49
4	77	57
5	82	52
6 or more	93	72
Total	69%	49%

Source: *Recidivism of young parolees*
BJS Special Report, May 1987

Younger releasees have higher rates of returning to prisons

Age at time of prison release	Cumulative rates of return to prison by years after release from prison						
	1 year	2 years	3 years	4 years	5 years	6 years	7 years
18-24 years old	21%	34%	41%	45%	48%	49%	50%
25-34	12	21	28	33	37	41	43
35-44	7	14	18	22	26	30	34
45+	2	4	6	8	10	11	12
All ages	14	23	29	34	37	40	42
Median age of those returning	23.5 yrs	25.5 yrs	26.3 yrs	27.2 yrs	27.8 yrs	28.6 yrs	32.4 yrs

Source: *Examining recidivism*, BJS Special Report, February 1985

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The cost of justice

Sue A. Lindgren

This chapter reports the costs of the criminal justice system and the relationship of justice spending to other government outlays. The data from this chapter answer such questions as—

How much does crime cost?

What portion of total government spending goes for criminal justice?

What level of government spends the most for criminal justice? For police protection? For prosecution, legal services, and public defense? For the court system? For corrections?

How much does each State spend per capita for its justice system?

What is the impact of private sector involvement in the criminal justice system?

What percentage of total government spending has been used for police over the past 80 years and for corrections over the past 30 years?

Has government spending for justice functions increased over the past two decades even when inflation is considered?

What do justice dollars buy? How much does it cost to bring an offender to justice? To keep a person in prison or on probation? How much does it cost to build a prison? A jail?

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How much does crime cost?

The total cost of crime to society has been estimated, but the actual figure is unknown

There will never be a simple, single answer to the seemingly simple question, "What is the total cost of crime to society?" Some estimates have been made. For example, Wharton Econometric Forecasting Associates, Inc., recently estimated the total gross receipts from criminal activity to be between \$26.9 billion and \$136.9 billion in 1986 dollars.¹ Where the actual total lies within this \$110 billion range is unknown because many of the component costs cannot be measured directly.

Although fairly accurate figures exist for some of the component costs of crime, many of the components cannot easily be measured.

- Some costs are difficult to measure, such as the higher costs for consumers from organized crime involvement in legitimate industries
- Other costs of crime are difficult to quantify, like the pain and suffering of crime victims, their families and friends
- Many crimes are undetected, such as successful fraud, embezzlement, and arson-for-profit
- Some crimes go unreported because victims are afraid to report (blackmail), are embarrassed (con games), or are involved in the illegal activity (gambling)

What would be included in the total cost of crime to society?

Some of the direct costs of crime include—

- medical costs because of injuries suffered in victimization
- lost productivity because of death and medical or mental disabilities resulting from crime
- time lost from work by victims of crime
- damage to property
- lower property values because of crime in the neighborhood
- the cost of operating the criminal justice system
- the costs of private security services and devices, such as locks and burglar alarms

In addition to direct costs, "involuntary transfers" occur when resources are taken from one person or organization

and acquired by another, but they remain within society. For example—

- The dollar value of cash and property lost through robberies, burglaries, theft, embezzlement, and fraud is "transferred" to the offender.
- Additional costs of goods and services to consumers are charged by manufacturers and retailers to cover their losses from crime
- Income tax evasion victimizes the government and other taxpayers who must pay higher taxes as a result.

A third type of economic cost of crime to society occurs in what is often called the "underground economy." This consists of consensual crimes where both parties agree to participate in the illegal activity. Examples of the underground economy are illegal gambling, prostitution, drug purchases, knowingly buying stolen property, and so on.

Some costs of crime have been measured

Most estimates of the total cost of crime to society are made by summing estimates of its individual components. Some of these recent estimates are—

- **Personal crimes of violence and theft** and the **household crimes** of burglary, larceny, and motor vehicle theft cost their victims \$13 billion in 1985
 - In 1981 most losses were from theft of property or cash (92%), 6% were from property damage and 2% from medical expenses.²
 - \$3.9 billion (36% of all losses) were recovered or reimbursed within 6 months after the offense
- **Net losses from robbery, burglary, and larceny** of banks was estimated at \$37 million in 1982 by Abt Associates, Inc., using FBI data.³ The losses from commercial robberies and burglaries can be estimated using FBI data at \$1.1 billion in 1982.

- **Drug abuse** costs to American society were estimated by Research Triangle Institute to be \$59.7 billion in 1983.⁴
 - Half the cost is in lost productivity by drug users

—A third is crime-related (the cost to the criminal justice system and the private security industry attributable to

drug-related crimes, property damage by drug users, and lost employment of crime victims).

—Social welfare expenditure such as disability payments, unemployment compensation, workers compensation, public assistance, and food stamps resulting from drug abuse were estimated at another \$115 million.

—Health care services related to drug abuse and drug abuse treatment programs cost an additional \$2 billion, and medicare reimbursements resulting from drug abuse were \$100 million.

- **Credit and charge card fraud** may cost as much as \$500 million according to Federal Trade Commission 1984 estimates.⁵

- **Automated teller machine fraud** in 1983 lost banks between \$70 million and \$100 million, a BJS study estimated.⁶

- **Counterfeit notes and currency** valued at a total of \$71.8 million by the U.S. Secret Service either were passed to the public or were seized before they could be passed.⁷ Of this, close to \$64 million were seized before they could be circulated, but \$7.8 million found their way into general circulation.

- **Drunk driving** caused motor vehicle crashes costing \$13.2 billion in 1983 according to Research Triangle Institute estimates.⁸

- **Federal income tax evasion** was estimated by the Internal Revenue Service at \$81.5 billion in 1981, including failure to report income and overstatement of deductions.⁹

- **Private security costs** for 1980 were estimated to be \$21.7 billion by *Security World* magazine.¹⁰

- The **criminal justice system** cost the Federal, State, and local governments \$45.6 billion in 1985, according to BJS.¹¹

How much does government spend for justice?

In 1985 less than 3% of all government spending was for criminal and civil justice

Of this amount—

- 1.4% was for police protection
- 8% was for corrections
- 6% was for judicial services, such as courts, prosecution, and public defense

By long tradition in this country, criminal justice is primarily a function of State and local governments. In examining how much is spent to maintain criminal justice systems throughout the Nation, it is useful to compare criminal justice expenses with all government expenses—Federal, State, and local—to give an overall picture of how tax dollars are spent.

The estimated 29% of all spending for criminal and civil justice services by all levels of government in 1985 compares with about—

- 21% for social insurance payments
- 18% for national defense and international relations
- 13% for education
- 11% for interest on the debt
- 7% for housing and the environment
- 6% for public welfare
- 4% for hospitals and health care
- 3.6% for transportation
- 0.5% for space research and technology.

State and local governments spend a larger share of their total budgets for criminal justice than the Federal Government

In 1985 less than 1% of Federal spending was for justice activities, compared with 5% of State spending, 13% of county spending, and 10% of municipal spending.

The Federal Government proportion is lower than that of other governments because—

- it has jurisdiction over only a small portion of civil and criminal cases
- it has sole responsibility for national defense and international relations, which consumed 28% of its expenditures in 1985
- it is almost solely responsible for Social Security and other social insurance payments, which accounted for an additional 28% of its 1985 expenditure

Police and corrections account for a small portion of government spending

Federal, State, and local spending for selected government functions, 1985

Purpose of expenditure	Billion dollars ^a	
Insurance trust expenditure Social security Unemployment compensation Worker's compensation Public employee retirement Veterans life insurance	\$328.8	{ Mainly Federal Federal \$284.6 State 37.9 Local 6.3
National defense and international relations	288.7	100% Federal
Education	205.9	{ Mainly local Federal \$28.6 State 128.6 Local 139.2
Interest on general debt	172.7	{ Mainly Federal Federal \$146.3 State 15.2 Local 17.4
Environment and housing	107.1	{ Mainly Federal and State
Public welfare Old age assistance, Aid to families with dependent children, Aid to the blind, Aid to the disabled, General relief	94.8	{ Federal \$68.3 State 17.3 Local 18.2
Hospitals and health Transportation	63.7 57.2	
Police, judicial services, and corrections ^b	48.5	{ Mainly State and local: Federal \$6.4 State 16.3 Local 27.4
Postal service	28.9	
Space research and technology	7.3	

^aDoes not include \$187.8 billion in seven additional categories—see source for itemization. Detail by level of government does not equal totals because duplicative intergovernmental amounts are excluded from totals.

^bThis is the amount reported in source; it differs from the amount in the primary source used in the rest of this chapter.

Source: Governmental finances in 1984-85, US Bureau of the Census

Patterns of justice financing and spending highlight the different responsibilities at each level of government

State and local governments pay 88% of all government costs for criminal and civil justice

Level of government	1985 justice expenditure (billions)
Local	\$25.3
State	14.7
Federal	5.7
Total*	\$45.6

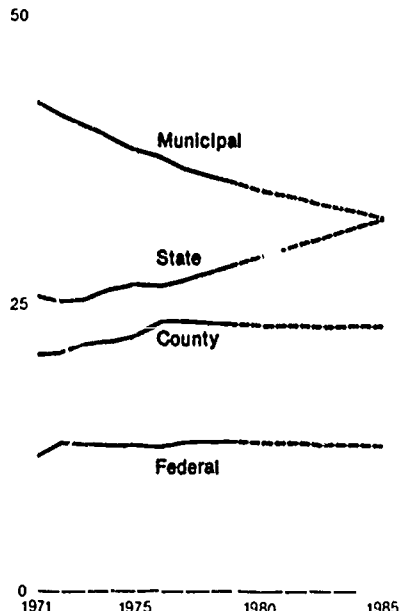
*Does not add to total because of rounding

The dominance of State and local governments in justice spending shows clearly that they, not the Federal Government, have primary responsibility for criminal justice in this country.

Spending by local governments exceeds that of State governments because municipalities have the main responsibility for police protection, which accounts for 48% of all justice spending. In fact, municipal spending for police alone amounts to 27% of all justice spending in the country.

The dominance of municipal spending for the justice system is diminishing

Percent of direct government spending for the justice system



Data for 1980-84 are estimates as no data were collected in those years.

Source: BJS Justice expenditure and employment in the U.S., 1971-79 and 1985

State and county shares of justice system costs are increasing

Between 1971 and 1985 the share of total government spending for criminal and civil justice by—

- States rose from 26% to 32%
- Counties rose from 20% to 23%
- Federal agencies rose from 12% to 13%
- Municipalities fell from 42% to 32%.

This change is due mainly to State and county governments taking responsibility for justice functions that had been carried by other levels of government. For example, several States have set up a system of State courts that replaced some county and municipal courts. The States' share of total government spending for courts rose from 23% in 1971 to 37% in 1985. The increased shares for States and counties also reflect large increases in correctional costs borne by those levels of government.

Cities and towns spend most of their justice dollars for police protection

In 1985 cities, towns, and townships spent—

- 83% for police
- 7% for corrections
- 4% for courts
- 4% for prosecution and legal services
- 6% for public defense
- 2% for all other justice activities

Per capita costs for police protection are higher for large than for smaller cities

The per capita spending for police protection varies by city size

1980 city size	1985 per capita spending for police
50,000 to 74,999	\$ 75.51
75,000 to 99,999	81.29
100,000 to 249,999	88.88
250,000 to 499,999	107.72
500,000 and more	134.45

State governments spend more than half their justice dollars on corrections

In 1985 State governments spent—

- 55% for corrections
- 22% for police protection

- 15% for courts
- 5% for prosecution and legal services
- 2% for public defense.

Of State government spending for corrections, 84% was for the construction, operation, and upkeep of correctional institutions (including 13% for capital outlays); 10% for probation, parole, and pardon programs; and 7% for other correctional activities.

Corrections spending accounted for 3% of all State government spending in 1985

In 35 States, between 2% and 4% of all State spending was for corrections costs, such as the operation, maintenance, and construction of prisons and halfway houses and running probation and parole programs.

Of State government spending—

- 33% was for education
- 17% for public welfare
- 10% for transportation and highways
- 8% for health and hospitals
- 5% for justice
- 4% for interest on debt
- 3% for the environment and housing.

Counties spend the most for court-related functions

Counties spent \$35 billion (35%) of the \$101 billion spent in 1985 by all levels of government for courts, prosecution, legal services and public defense. State governments spent 32% of the total, the Federal Government, 20%; and municipalities, 14%. While county governments contribute the most to court-related functions, these functions do not dominate county justice spending to the extent that police protection dominates municipal spending or corrections dominates State spending.

In 1985 counties spent—

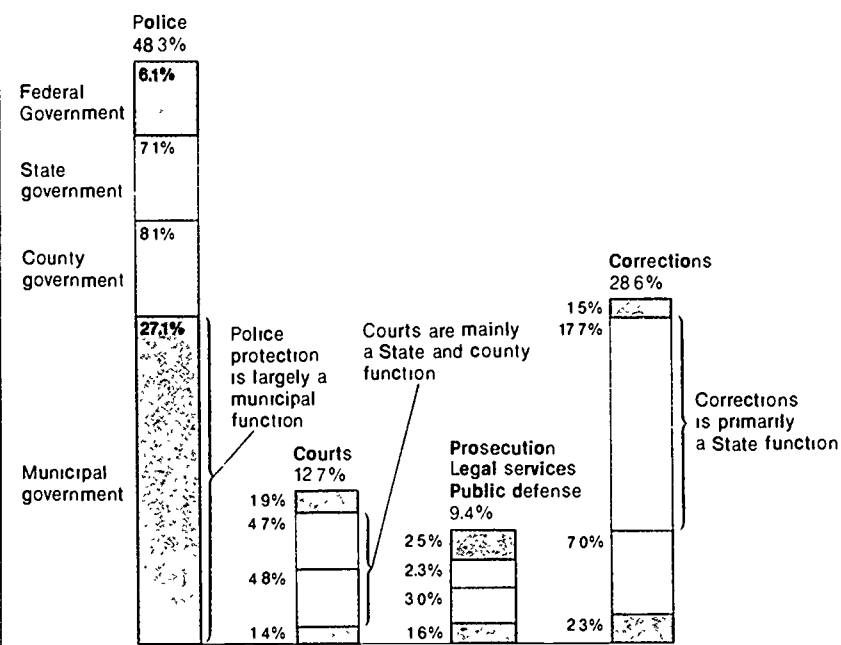
- 34% of all their justice dollars for court-related functions (208% for courts, 96% for prosecution and legal services, and 33% for public defense)
- 35% for police protection, usually county sheriffs or police
- 31% for corrections, primarily jails

In most States, local spending for justice exceeds State government spending

	Percent distribution of direct justice spending		
	Local		State
	County	Municipal	
US total	26%	37%	37%
Alabama	21	29	49
Alaska	2	17	81
Arizona	31	35	34
Arkansas	24	32	45
California	42	31	27
Colorado	22	44	35
Connecticut	0	45	55
Delaware	13	15	72
Florida	37	26	37
Georgia	36	24	41
Hawaii	14	36	49
Idaho	34	27	39
Illinois	21	46	33
Indiana	23	37	41
Iowa	30	32	38
Kansas	23	34	44
Kentucky	18	24	58
Louisiana	25	35	40
Maine	13	35	53
Maryland	31	20	49
Massachusetts	5	45	51
Michigan	27	36	37
Minnesota	40	31	29
Mississippi	24	31	45
Missouri	20	45	35
Montana	37	20	44
Nebraska	25	34	41
Nevada	55	17	27
New Hampshire	10	42	48
New Jersey	23	42	35
New Mexico	14	29	57
New York	15	49	36
North Carolina	16	27	57
North Dakota	34	31	35
Ohio	31	42	27
Oklahoma	12	36	53
Oregon	27	26	46
Pennsylvania	22	49	29
Rhode Island	0	48	52
South Carolina	25	19	56
South Dakota	25	24	52
Tennessee	25	38	37
Texas	33	39	28
Utah	26	28	46
Vermont	2	23	76
Virginia	24	31	45
Washington	37	27	36
West Virginia	27	23	50
Wisconsin	30	37	34
Wyoming	29	29	42

Source: BJS *Justice expenditure and employment in the US 1985* forthcoming

48 cents of every justice dollar is spent for police protection



Note: An additional 1% of expenditure was for other functions

Source: BJS *Justice expenditure and employment in the US, 1985*

Criminal justice services are funded predominantly by taxes raised in the jurisdiction where the services are performed

In addition to taxes, other sources of revenue are also used for justice services. These include bond proceeds, fees and fines, forfeiture of assets in criminal cases, and unrestricted State aid such as sales tax distributions.

Governments also receive "intergovernmental payments" from other governments. Such payments move in many directions. They may be payments from the Federal Government to a State or local government, from a State government to a county or city, from one local government to another, or, more rarely, from a State or local government to the Federal Government.

- State and local governments used close to \$1 billion from the Federal Government for criminal and civil justice in 1985
- Local governments received close to \$1.4 billion from their State governments, this included an unknown amount of Federal funds that were being "passed through" the State government¹³
- State governments received \$113 million from local governments in their States
- Local governments received \$255 million from other local governments. These payments were mainly reimbursements for services such as those performed when a county provides police protection for a city.

Private sector involvement in the criminal justice system is growing

Governments are making greater use of the private sector to perform criminal justice services

Using the private sector to perform functions once performed by the public sector is known as "privatization," a word not well known outside of government, where it has been used for several years. In 1983 it was added to *Webster's ninth new collegiate dictionary* as a derivative noun of "privatize," defined as "to make private, esp. to change (as a business or industry) from public to private control or ownership."

Historically, many criminal justice functions, including law enforcement and prosecution, were performed by the private sector. With the advent of public policing and prisons in the 19th century, many criminal justice functions became responsibilities of government. However, governments have long used the private sector to perform certain functions, and this practice has been increasing in recent years. A 1985 survey of State general services officials by the Council of State Governments showed that most States contract with private firms for legal, medical, engineering, and technical professional services. Such State and local government spending for private sector services grew from \$27.4 billion in 1975 to \$66.8 billion in 1980 and to \$81 billion in 1982.

Private firms and individuals perform services in all criminal justice sectors

- Criminal justice agencies often contract with private firms to provide janitorial, food service, medical, training, computer support, and similar services.
- Corporations, retail establishments, and governments hire private police to provide security in the workplace, at residences, and in shopping areas. (See chapter IV for a detailed discussion of private security.)
- Arrested persons often use private bail bondsmen to obtain money to gain release from detention pending trial.
- Prosecutors and defense attorneys hire private expert witnesses to assess

Privatization in criminal justice often refers to private sector involvement in corrections

Type

Contracting for services—A government agency enters into a contract with a private firm to provide a service. Contracts are used for food, laundry, or medical services for a correctional institution, education or vocational training for inmates, and staff training.

Prison industries—A government agency enters into an agreement with a private firm to operate an industry or business within the prison using inmates as employees. As of January 1985, Sexton et al. identified 26 projects with private sector involvement in State-level prison industries, including:

- Hotel and motel telephone reservation systems located inside of prisons, through which inmates answer the phones and make reservations for customers who do not know they are talking to a prisoner.
- Factories installed in the prison and managed by private sector employees who supervise the prison inmate factory workers. These factories manufacture various items including office furniture and computer equipment.

Historical background

Contracts for correctional services and programs have been used for many years and are quite common. George and Camille Camp found that such contracts were used more by juvenile than by adult facilities. They also found that most adult and juvenile correctional facilities plan to expand their use of private contracts for specific services.

In the early 19th century the private sector was the most frequent employer of convict labor. Opposition from rival manufacturers grew until the Great Depression, when, coupled with concern about the treatment of prisoners, Congress and many State legislatures passed laws that resulted in a decrease in this practice. By the 1970s, prison industries came to be viewed as State-supported vocational training programs to rehabilitate inmates while, at the same time, providing some revenue for the State. Currently, the role of the private sector in prison industries is being reexamined and expanded.

and develop evidence and testify in court.

- Courts and other justice agencies hire private attorneys to represent indigent defendants.
- Private process servers deliver subpoenas and other court documents.
- Courts use private firms to provide stenographic and transcription services for trials.
- Courts place persons who appear in proceedings before them in private treatment programs, sometimes as a condition of probation and sometimes as a final disposition. Juveniles in particular are likely to be placed in private facilities.

Private prisons have become one of the most hotly debated issues in criminal justice today

Supporters of private prisons point to other areas that have been "privatized" as models, including hospitals, health care, and nursing homes. These proponents argue that—

- The private sector can more quickly and cheaply build prisons and ease overcrowding by avoiding bureaucratic red tape and the need for voter approval for financing prison construction.
- The private sector can more quickly implement new ideas and programs to better perform correctional functions.

Type

Private sector financing of prison construction

A private firm provides the funds needed to build a correctional institution and signs a long-term agreement to lease the institution to the government. Mullen found that these financial arrangements were being seriously considered in a number of States in 1984 and had been used for a \$302 million jail and sheriff's facility in Colorado, a \$50 million jail in Philadelphia, a \$5 million jail in Tennessee, and a jail and criminal justice training center in Los Angeles.

Private facility ownership and operation

A private firm locates a site, builds a prison (or remodels an existing structure), and runs the prison on a day-to-day basis under contract with the government. The government pays the firm for all expenses under a contract, in many cases being charged a daily fee for each inmate. This type of arrangement has been used by the Federal Government to house illegal aliens and youthful offenders, by a few local governments for jails, and by State and local governments for juveniles, halfway houses, and small minimum-security facilities. Despite the willingness of private corrections firms to operate large, maximum-security prisons, State governments have moved slowly in this area.

- The private sector can perform correctional functions more efficiently and less expensively than the public sector.

These arguments are appealing to government officials faced with increasing prison populations and limited resources for corrections, but there are a number of legal and ethical issues that are causing them to proceed cautiously.

- Can the government delegate its powers to incarcerate persons to a private firm?
- Can a private firm deprive persons of their liberty and exercise coercive authority, perhaps through use of deadly force?

Historical background

A more recently developed form of privatization of corrections is private sector financing of prison and jail construction. Traditionally, prison and jail construction has been financed with a government's current operating funds and general obligation bonds. The use of current funds avoids having to pay interest, but it can become problematic if cost overruns exceed available cash. General obligation bonds require the payment of interest and the approval of the voters, who may balk at the prospect of the high costs of prison construction. Private sector investment avoids some of these difficulties. By signing a long-term lease/purchase agreement with the private investors, the government needs only to pay the "rent" for the institution. As attractive as this concept may seem, issues have been raised about it because it circumvents the public approval process.

Private prisons, or "prisons for profit" as they are called by some, are another recent concept in private sector involvement in corrections. Like private sector financing of prison construction, it avoids some of the problems corrections officials have encountered in locating prison sites and gaining voter approval for construction of correctional institutions. Again, like private sector financing, issues have been raised about this particular form of private involvement in corrections.

- Who would be legally liable in the event of law suits?
- Who would be responsible for maintaining the prison if the private employees go on strike?
- Would a private company have the right to refuse to accept certain types of inmates, for example, those with AIDS?
- If a private firm went bankrupt, who would be responsible for the inmates and the facility?
- Could a private company reduce staff salaries or hire nonunion members as a way of reducing costs?
- Would the "profit motive" operate to the detriment of the government or the inmates, either by keeping inmates in prison who should be released or by

reducing services to a point at which inmates, guards, and the public were endangered?

- What options would a government with no facility of its own have if it became dissatisfied with the performance of the private firm?
- Is it appropriate for the government to circumvent the public's right to vote to increase debt ceilings?

So far, not enough private facilities have been in existence long enough to complete the evaluations needed to answer the questions that have been raised. It is clear, however, that the issues will continue to be debated and that more and perhaps other types of private facilities will open in the future.

Many States are pondering private sector options in corrections, but few have opened private facilities

The issues that have come up about privatization of corrections are being debated in correctional departments, governors' offices, and State legislatures. A survey of State legislative staff to identify the issues that would take precedence during their 1986 legislative sessions found that 18 of the 29 States responding reported that one or more aspects of privatization of corrections will be a major issue for legislative attention during 1986.¹⁴

Privatization aspect	Number of States
Contracts for services	11
Private financing	10
Operation/management of—	
adult facilities	9
juvenile facilities	7
Prison industries	6
Number of States responding	29

Between 1980 and January 1, 1986, 13 private jails and prisons opened in 9 States. Seven of these were under contract to the U.S. Immigration and Naturalization Service. The total capacity of these institutions (1,910 beds) represents about a quarter of 1% of the total incarcerated adult population.

What are the trends in justice spending?

Governments adjust spending patterns in response to changing needs of society and shifts in the public's demand for services

Correction's share of State and local spending has increased by more than 75%, from 13% to 23%, since 1952, when data first became available. In the first half of the current decade alone, this share has grown by a third, from 1.7% in 1980. Such dramatic changes are not seen in spending for police protection, which fluctuated between 3% and 5% of all State and local general spending during 1902-85. Police protection, however, is primarily the function of municipal governments. Cities of more than 50,000 population devoted 15% of their total spending for police in 1985, after gradually increasing their spending from 12% in the 1950s.

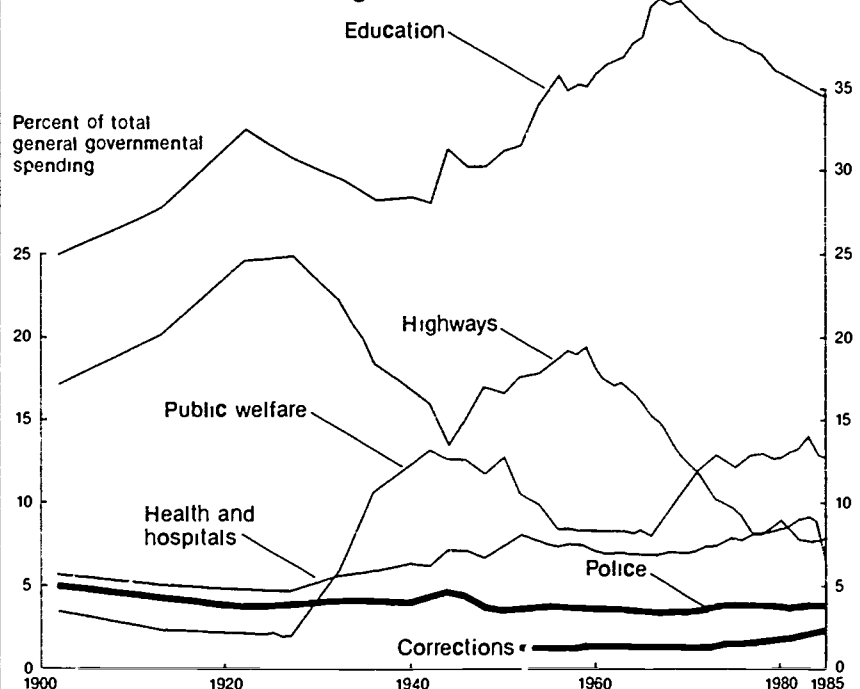
Education's share of total general spending by State and local governments grew from 25% in 1902 to about 40% in the 1960s as the post-World War II babies moved through the public school system. But by 1985, education's share had dropped to a 25-year low of 35%.

The impact of the Great Depression and resulting social insurance programs can be seen on spending for public welfare.¹⁵ In 1927, 2% of all general spending by State and local governments was for welfare. Five years later it had nearly tripled, it peaked at close to 13% in 1950. During the 1950s and 1960s, it leveled off at 8-9% of government spending; these were years of relatively strong economic growth and low unemployment. By the 1970s, welfare began consuming a larger share of State and local spending as the economy worsened and increasing numbers of older Americans became eligible for Medicaid benefits. This percentage has remained relatively steady since 1980, ranging from 12.8% to 13.3%.

During 1960-85, per capita spending grew faster for corrections than for police protection

In constant dollars, State and local spending per capita for corrections grew during 1960-85 by 218% while the growth rate for police protection was only a third of this, or 73%. Since 1980,

During this century, the police and corrections shares of State and local spending have not fluctuated as radically as the shares for some other government functions



Sources: Historical statistics of governmental finances and employment Census of governments, 1977 and 1982 Governmental finances in 1979-80 and 1984-85, US Bureau of the Census

Per capita spending by State and local governments for police and corrections increased more rapidly than for some other government functions during the past quarter century

	Per capita spending in constant 1985 dollars*						% change 1960-85
	1960	1965	1970	1975	1980	1985	
Education	\$517	\$561 ^a	\$716	\$807	\$824	\$807	+56%
Public welfare	95	120	209	268	292	300	+216
Hospitals and health care	95	113	148	182	193	208	+119
Highways	239	260	247	204	189	189	-21
Police protection	51	58	70	83	82	88	+73
Corrections	17	21	25	32	38	54	+218

*See technical appendix for details on methodology used to produce constant dollars

Sources: Historical statistics of governmental finances and employment Census of Governments 1977 and 1982

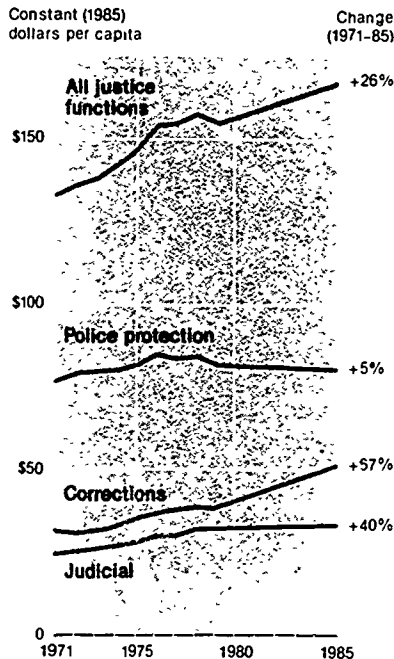
Governmental finances in 1979-80 and 1984-85 U.S. Bureau of the Census

spending for corrections has grown by 42%, compared with 7% for police protection. Since 1960 spending for public welfare grew by 216%, hospitals and health care, by 119%, and education, by 56%, highway spending declined by 21%.¹⁶

State and local general spending, \$2,321 per capita in 1985, included—

- \$807 for education
- \$300 for welfare
- \$208 for hospitals and health care
- \$189 for highways
- \$88 for police protection
- \$54 for corrections
- \$675 for all other functions

State and local spending for all justice functions increased from 1971 to 1985



See technical appendix for inflation adjustment factors. Source: *Expenditure and employment data for the criminal justice system, 1969-70*; BJS *Justice expenditure and employment in the U.S., 1979 and 1985*.

All spending for criminal and civil justice rose steadily until 1976, then leveled off, resuming growth in the early 1980s

In constant 1985 dollars State and local per capita spending for justice grew at an annual average of 3% between 1971 and 1976. Between 1976 and 1979 it grew by less than 25% a year. Between 1978 and 1979 it fell by 18%. Since 1979 its rate of growth has been about 1.3% per year on average. By 1985 per capita spending was \$167.

Per capita spending for—

- **Police** grew steadily until 1976, fell in 1977, rose slightly in 1978, and fell again in 1979. By 1985 police per capita spending was at \$80.62, an 11-year low.
- All **court-related functions** grew steadily until 1976; but court spending leveled off in 1977, and then again grew slightly until reaching \$33.81 per capita in 1985.
- **Corrections** grew steadily until 1978, slowed in 1979, then rose by 34% between 1979 and 1985, when it reached \$51.64 per capita.

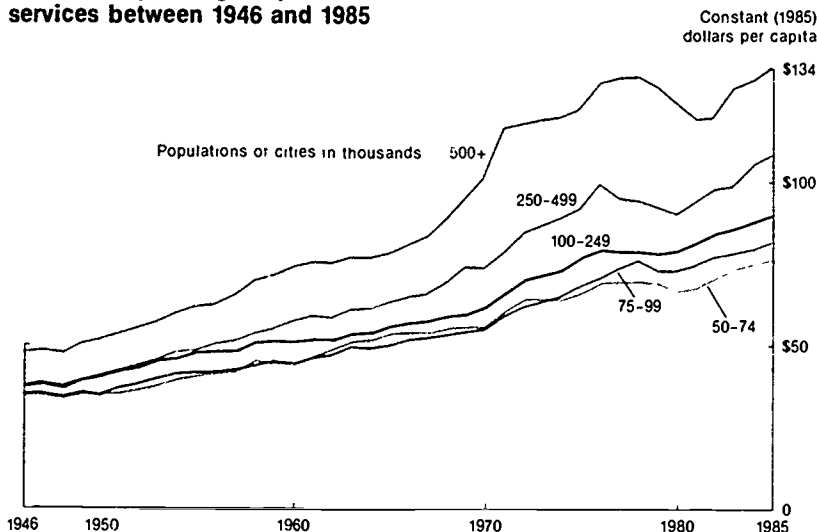
• **Other criminal justice functions** like planning, information, and communication systems that serve more than one criminal justice function and general criminal justice training programs tripled between 1971 and 1976, before leveling off in 1977, and falling close to the 1971 level in 1985. This pattern reflects the impact of the rapidly increasing Law Enforcement Assistance Administration block grant program in the early 1970s and its demise in 1979-80.

Since 1979, spending rose faster for corrections than for any other justice function, while spending for police fell

Between 1979 and 1985 per capita spending in 1985 constant dollars for—

- corrections grew by 34.1%
- public defense grew by 24.7%
- prosecution grew by 6.8%
- courts grew by 0.2%
- police protection fell by 1.5% overall, but it grew for cities with populations of more than 50,000
- other justice functions fell by 40.2%.

Cities over 50,000 population increased spending for police services between 1946 and 1985



See technical appendix for inflation adjustment procedures. Source: "City police expenditure data 1946-1985," compiled from US Bureau of the Census surveys of government finance, 1946-85.

In cities with populations of more than 50,000, per capita spending for police grew rapidly in the 30 years between 1946 and 1976, then growth leveled off, and, in some cases, declined. Beginning in the early 1980s, however, growth in city spending for police resumed, reaching levels close to those prevailing in the mid-1970s. Over the period, police spending grew faster in larger than in smaller cities of this group.

1980 city size	Percent change 1946-85
500 000 or more	186.8%
250 000-499 999	193.1
100 000-249 999	145.1
75 000-99 999	136.8
50 000-74 999	124.3

What factors are related to per capita spending?

Many factors are believed to affect how much a State spends for criminal justice

Some States may need to spend more on justice activities because they have a more serious crime problem than others. The citizens of some States may express greater concern about crime than those in other States and convince their elected officials to assign higher priority to funding criminal justice than to other government activities such as education or transportation. Some States are "richer" than others, having a larger tax base from which to fund government activities. The citizens of some States may be more willing than those in other States to tax themselves to fund governmental programs in general.

Per capita justice costs vary by State from less than \$100 to as much as \$592

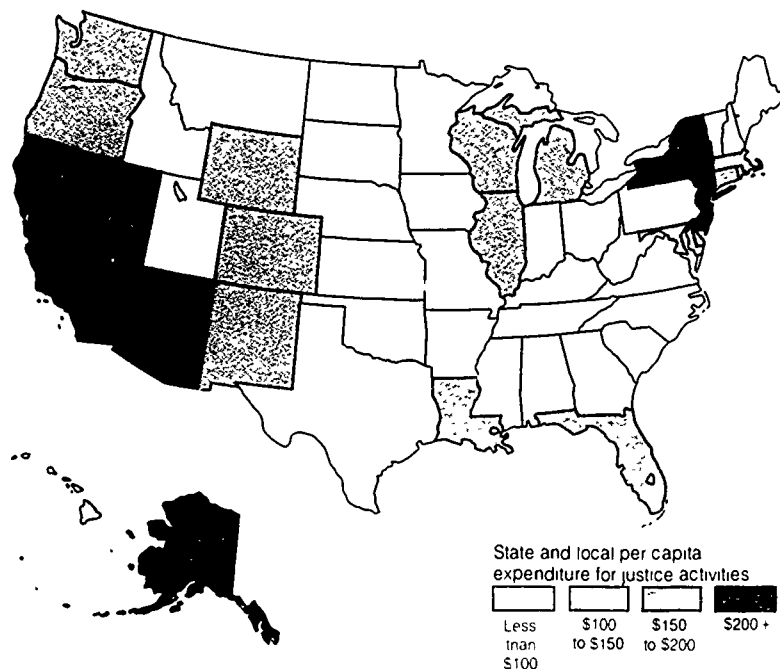
State and local governments spent an average of \$167 per capita for justice services in 1985

In 1985 State and local governments in Arkansas, Maine, Mississippi, North Dakota, and West Virginia spent less than \$100 per capita for justice services. Alaska spent \$592; New York, \$293, and Nevada, \$244

Regional variation is also evident. Per capita spending for justice was—

- \$208 in the Northeast
- \$205 in the West
- \$140 in the South
- \$140 in the Midwest

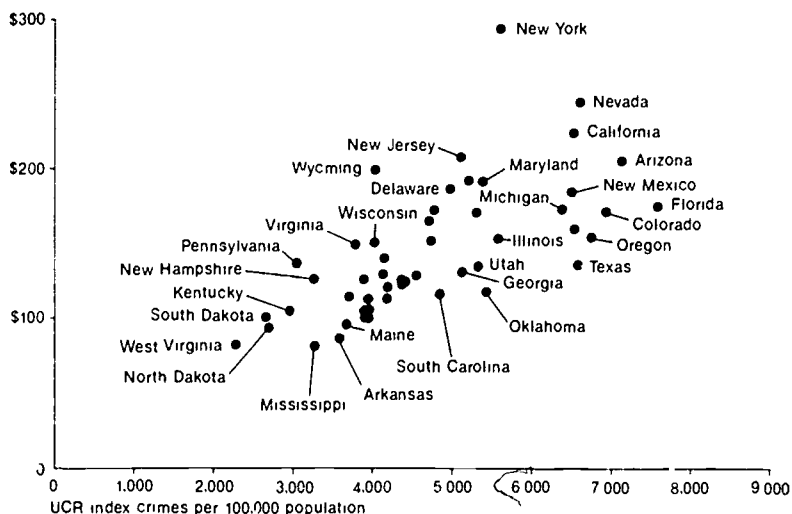
The Northeast and West lead the Nation in justice costs per capita



Source: Justice expenditure and employment 1985 BJS Bulletin March 1987

States with high crime rates tend to have high expenditures for criminal and civil justice

Per capita spending for criminal and civil justice



Sources: Justice expenditure and employment in the US 1985 BJS Bulletin March 1987 FBI Crime in the United States, 1985

What do justice dollars buy?

The cost of bringing an offender to justice is highly variable and includes many "hidden costs"

The costs of convicting an offender are many and varied. They include paying for—

- Police to investigate criminal events, arrest offenders, and appear as witnesses in court (often on overtime)
- Public defenders and assigned counsel to represent indigent defendants
- Prosecutors to investigate, prepare, and present the case in court
- Judges and juries to hear the evidence and reach a verdict
- The probation department to prepare presentence investigation reports for the judge to use in sentencing
- State identification and information bureaus to check fingerprints and criminal histories of defendants
- Local jails to house defendants who are detained in pretrial custody

Different criminal cases vary greatly in cost

The price of justice, a 1981 study of three "typical" New York City robbery cases, found that the cost of arresting, prosecuting, and trying the defendants ranged from \$851 to \$32,627, not including correctional costs after trial. In each of the cases, the defendants were arrested shortly after the crime, eliminating the need for long and costly police investigation

In the first case, the defendants pleaded guilty to a reduced charge the day after their arrest. Beyond arrest and booking, the costs were minimal. Each defendant received a 6-month sentence.

The second case cost \$6,665. The defendant pleaded guilty after being indicted, but before trial. Seventy percent of the total cost was for pretrial detention. 68 days after arrest, the defendant received a sentence of 4 to 12 years of imprisonment for the plea of guilty to robbery.

In the third case, the defendant chose to go to a felony trial in which he was found guilty of robbery and sentenced to 9 to 18 years. 250 days had elapsed between arrest and sentencing. The total cost was \$32,627, half of which was for pretrial detention.

Justice dollars are used to compensate victims, to investigate crimes, and to apprehend, try, and punish offenders

Victim compensation (1980 and 1981)	
Average maximum award	\$18,000 per award
Average award	\$3,000 per award
Investigative and court costs	
A State or Federal wiretap (1986)	\$35,508 per wiretap
To protect a Federal witness (1986)	\$118,200 per year
Juror payment (1986)—	
State	\$10 per day
Federal	\$30 per day
Court case (1982)—	
California Superior Court	\$5 per minute
Florida Circuit Court	\$4 per minute
Washington State Superior Court	\$4 per minute
US District Courts	\$9 per minute
To arrest, prosecute, and try a robbery case in New York City (1981)—	
with guilty plea and sentencing day after arrest	\$851 per case
with guilty plea after indictment and sentencing 68 days after arrest	\$6,665 per case
with trial disposition and sentencing 250 days after arrest	\$32,627 per case
Most frequent assigned counsel hourly rate (1982)—	
Out-of court	\$20-30 per hour
In court	\$30-50 per hour
Average indigent defense case (1982)	\$196 per case
Corrections operations costs	
For one adult offender—	
in a Federal prison (1985)	\$13,162 per year
in a State prison (1984)	\$11,302 per year
in a State operated, community based facility (1984)	\$7,951 per year
in a local jail (1983)	\$9,360 per year
on Federal probation or parole (1986)	\$1,316 per year
on State probation (1985)	\$584 per year
on State parole (1985)	\$702 per year
For housing—	
an unsentenced Federal prisoner in a local jail (1986)	\$36 per day
a sentenced Federal prisoner	
in a local community treatment center (1986)	\$30 per day
in a jail (1986)	\$33 per day
For housing—	
one resident in a public juvenile facility (1985)	\$25,200 per year
Prison industry wage (1985)	\$0.24-1.02 per hour

Note: Multiple sources supplied the data in this table. Ranges are presented when the source did not provide enough information to compute an average. The list of

sources for this table is available from BJS either in the technical appendix or separately upon request.

Courts process many kinds of cases with widely varying costs

State courts handle about the same number of civil as criminal cases, in Federal courts civil cases outnumber criminal cases by 6 to 1. In most instances the same court handles both types of cases.

There is no agreed-upon method of dividing national court expenses between civil and criminal workloads to arrive at the total cost of criminal vs. civil cases. It is clear, however, that costs of processing different kinds of cases vary enormously. For example, the clerk of court may only have to file docu-

ments to probate an uncontested will, but months of effort are required to provide for a jury trial in a complex personal injury suit or murder case.

What are the operating costs of correctional sanctions?

The 1984 Census of State Adult Correctional Facilities found a wide range (\$5,797-\$23,233) in the operating cost per prisoner among the States. Factors affecting this range include—

- regional variations in salaries that reflect differences in cost-of-living and union contracts
- differences in utility costs and in the need for heating fuel

- differences in types of institutions operated (for example, a State may have a higher-than-average percentage of prisoners in less expensive minimum security)
- differences in the extent to which the prison uses prisoners rather than hiring nonprisoners to perform maintenance services

The Census found that there is not much difference in the cost per inmate per year between maximum and medium security facilities (\$11,336 vs. \$11,652). Minimum security facilities are somewhat less expensive, as are State-operated, community-based facilities, such as halfway houses. In those community facilities, the cost per inmate was \$7,951, ranging from \$4,767 to \$27,400. The wide range is due to differences in the types and intensity of treatment used; for example, a program with highly trained therapists is more expensive than one that is almost solely custodial.

The *Corrections yearbook* found that across 46 State parole agencies, the average annual cost of maintaining a person on parole was \$702. The annual average cost for a person on probation across 44 State agencies was \$584.

Savings from housing offenders in the community rather than in confinement can be misleading

A study on the cost of prosecuting repeat felony offenders in Salt Lake County, Utah, found that probationers who commit crime while on probation and are prosecuted for it very quickly cost victims and the criminal justice system the amount of money "saved" by not incarcerating them for their earlier crime. Repeat offenders (some of whom commit hundreds of crimes a year) can cost society many times over the cost of incarceration if they recidivate while in a community-based facility or on probation or parole.

Widely divergent estimates of the construction cost per prison bed are found in various studies, reports, and media accounts

There are many reasons for the variation.

Justice dollars also are used for buildings and equipment

New correctional facility costs Construction cost per bed in a—	
maximum security State prison (1985)	\$70,768 per bed
medium security State prison (1985)	\$53,360 per bed
minimum security State prison (1985)	\$29,599 per bed
"constitutional" jail (1982)	\$43,000 per bed
juvenile facility (1985)	\$26,470 per bed
Average remodeling for additions to prisons (1985)	\$19,944 per bed
New courthouse construction costs (1982)	
	\$54-\$65 per sq. ft.
Police car costs	
Average purchase price (1981)	\$8,000 per car
To equip a new police car with—	
police radio (1981)	\$2,000 per car
siren and light bar (1981)	\$800 per car
other (1981)	\$300 per car
To maintain and operate	
(not including patrol salary) (1981)	\$6,000 per year
Resale value (1981)	\$1,000 per car

Note: Multiple sources supplied the data in this table. Ranges are presented when the source did not provide enough information to compute an average. The list of

sources for this table is available from BJS either in the technical appendix or separately upon request.

- Some sources include the purchase of the land, preparing the site, architects' fees, and long-term financing costs such as interest paid on bonds. Others do not.

- Figures for differing levels of security classification (for example, minimum security vs. maximum security) are used in different sources.

- Construction costs vary by region.
- Some prison construction cost is offset by using inexpensive prisoner labor.
- Some sources surveyed only "recently completed" construction. Others include the expected costs of future "approved" or "planned but not approved" construction.

- Prisons vary in the amount of space per prisoner and in space allowed for prisoner support programs such as medical and psychiatric treatment, athletics, and recreation.

- Some late 1970s estimates are based on data from early 1970 surveys that have been adjusted for inflation—adjustments using different methods with different results.

Maximum security prisons are clearly more expensive to build than medium security prisons, which in turn are more expensive than minimum security prisons. States reported to the *Corrections yearbook*, 1986, the following ranges of construction costs per prison bed for fiscal 1985—

Security type	Range	Average
Maximum	\$21,525-\$155,300	\$70,768
Medium	\$16,000-\$125,000	\$53,360
Minimum	\$7,000-\$112,842	\$29,599

What are the costs of jail construction?

The estimate of \$43,000 per jail bed, based on a 1982 survey of 34 "advanced practices" jails, is somewhat lower than that for maximum and medium security prisons because jails usually do not have extensive architectural security features such as perimeter walls and usually are designed to provide less area for recreation and rehabilitation activities because their inmates are held for shorter periods.¹⁷

Corrections officials are exploring ways to cut the high cost of prison and jail construction

The State of Virginia recently built two prisons, one using conventional construction management and the traditional poured concrete, concrete block, and brick. The other used factory prefabricated concrete panels. The second prison not only cost about a third less than it would have using conventional methods, it was completed in less than half the time.¹⁸

Other States have had similar success in reducing the cost of prison construction by using prefabricated building parts and innovative construction management techniques. Florida was able to open a 336-bed expansion unit at an existing prison complex at a cost of about \$16,000 per cell. California was able to reduce the cost per cell from \$90,000 to \$50,000.¹⁹

How much does it cost to build a new courthouse?

Available information does not allow computation of the cost of building a new "average courtroom," as is often done for prison cells. Walter H. Sobel, FAIA and Associates' 1982 survey of nine recently built courthouse projects found these variations:

- In one courthouse, 29% of the square footage was for jail cells, which cost more to build than courtrooms.
- Two projects included large underground parking garages, which cost more than outdoor parking lots.
- Some projects included "shelling in" space for courtrooms to be completed in the future.
- Different courthouses have different mixes of space allocated for courtrooms and judicial chambers (the most expensive type of nondetention construction) and administrative and support space (costing about the same as routine business offices).
- Regional factors in the construction industry also affect the cost of courthouses.

The price per square foot of construction in three newly built courthouses that appeared to be the most comparable were \$54, \$61, and \$65. One other project involved completing a shell that had been built earlier. The cost per square foot was \$54, higher than might be expected because the courthouse was limited to courtrooms and judges' chambers. Two renovation efforts were reported, costing \$36 and \$67 per square foot, the range reflecting the extent of the renovation effort.

The purchase price for a police car ranged from \$6,700 to \$9,500 in 25 jurisdictions

The purchase price is only part of the cost of putting a patrol car on the streets. In a 1982 survey the National Association of Criminal Justice Planners found that police radios ranged in cost from \$1,200 to \$4,300 in the nine jurisdictions providing this information; police sirens and light bars added another \$350 to \$1,300. Costs for other equipment were reported at \$10 to \$700; these include police department decals and shields for the patrol car, loudspeakers, security cages for prisoners, and shotguns and racks.

The annual operating cost for a police car, including gas, oil, maintenance, and repair, varied from \$3,000 to \$13,000. The factors affecting this range include the number of shifts the car is driven during the day, the type of driving involved (for example, city vs. suburban patrol), climate conditions, and the length of time the car is operated before being resold. This last factor is reflected in the range of resale value, reported at \$550 to \$4,500.

Some police investigation and court costs are not well known

The police sometimes pay informants for investigative information. Undercover agents may use cash to buy drugs or other illegal goods and services in an attempt to obtain evidence of criminal behavior. Police officers often are required in court as witnesses, frequently on overtime pay. In a 1982 survey, the National Association of Criminal Justice Planners found that in five jurisdictions three-quarters of all court appearances involved police overtime. For nine jurisdictions able to report cost data, the average overtime pay per court appearance was \$41.

Courts pay private citizens for serving on jury duty. In 1986 the daily pay for jurors averaged about \$10 per day. In some States a lower fee (or no fee) is paid for the first few days. Some States pay for half days and some pay on an hourly basis. In the Federal system in 1986, daily pay for jurors was \$30. Most court systems also reimburse jurors for their travel expenses and pay living expenses for those serving on sequestered juries.

Another less well known expense is the cost of protecting witnesses. State and local governments engage in such activities, but the Federal Witness Security Program of the U.S. Marshall's Service is clearly the largest and most extensive witness security program in the Nation. This program provides—

- protection and maintenance services for witnesses, potential witnesses, and dependents whose lives are in jeopardy as a result of testimony against organized crime figures.
- around-the-clock protection to witnesses while they are in a "hostile environment" and when they return to an area of danger for court testimony.
- geographic relocation for the witness and his or her dependents; housing, subsistence, new identification documents, and employment, medical, and other assistance to allow the witness to become self-sustaining.

In 1986 the U.S. Marshals Service provided protection or support for 1,714 persons, including 933 principal witnesses and 781 family members. The average annual cost per witness ranged from \$47,500 for a person with no dependents in the program to \$84,000 for one with eight dependents, with an average annual cost per witness of \$56,000 for the salaries and expenses of marshals. There are now more than 12,500 participants in the Federal Witness Security Program, although not all are under the active protection of the U.S. Marshals.

Close to three-fourths of State and local justice dollars go for payroll

Criminal and civil justice is a highly "personnel-intensive" activity. In 1985 the payroll for State and local justice employees ranged from a high of 79% of all expenditures for police protection to a low of about 40% for public defense and "other justice" activities, such as planning commissions.²⁰

The defender proportion of spending for salaries was low because of widespread use of "assigned counsel" defense systems in which the government pays private attorneys to represent indigent defendants. The National Criminal Defense Systems Study found that the fees paid to the attorneys have been reported to be as low as \$10 and as high as \$65 an hour but in most places the fee is between \$20 and \$30 an hour for out-of-court work and between \$30 and \$50 an hour for in-court work. Sometimes the hourly fee varies by the seriousness of the case and by whether it is at the trial or appeal stage. Some jurisdictions that do not use an hourly rate use minimum and maximum amounts of total compensation.

The payroll proportion of spending for "other justice" activities is low because this category contains many intergovernmental payments that do not require a large amount of staff support to oversee.

Salaries make up a relatively lower proportion of total spending for corrections (59%), primarily because of the costs of building and maintaining prisons, contracts for medical care and treatment programs, food, guard and prisoner uniforms, and boarding prisoners at other institutions.

Courts also have a relatively low proportion of total spending for salaries (71%) because of payments for jury and witness fees, courthouse maintenance, and purchase of books for law libraries.

Salaries for police and correctional officers are generally the lowest

Judges, because of their great responsibility, have the highest salaries of criminal and civil justice employees at each level of government. Current State and

Justice dollars pay personnel costs

(Average annual salary. There are jurisdictions where the salaries are higher or lower than these averages.)

Law enforcement officers (1985 and 1986)	
City police officer (entry level)	\$18,913
City police officer (maximum)	\$24,243
City police chief	\$33,158
County sheriff patrol officer	Not available
State trooper (entry level)	\$18,170
State trooper (maximum)	\$28,033
Deputy US marshal	\$19,585
US border patrol agent	\$23,058
US immigration inspector	\$24,719
US immigration agent	\$34,259
Federal drug agent	\$36,973
FBI agent	\$40,321
Prosecutors (1986)	
State and local prosecution personnel	Not available
Federal prosecutor	\$53,027
Defenders (1986)	
State and local defense personnel	Not available
Federal defender	\$43,582
Court personnel (1986 and 1987)	
State court administrator	\$59,257
State general jurisdiction trial court judge	\$60,697
State intermediate appellate court justice	\$67,172
State associate supreme court justice	\$67,434
State supreme court justice	\$70,161
US Magistrate	\$72,500
US Bankruptcy Court Judge	\$72,500
US Court of Claims Judge	\$82,500
US Court of International Trade Judge	\$89,500
US District (trial) Court Judge	\$89,500
US Circuit (appellate) Court Judge	\$95,000
US Supreme Court Associate Justice	\$110,000
US Supreme Court Chief Justice	\$115,000
Correctional officers (adult facilities, 1986)	
Local jail officer (entry level)	\$16,939
State correctional officer (entry level)	\$14,985
State correctional officer (maximum)	\$16,427
State director of corrections	\$59,947
Federal correctional officer	\$22,857
Probation and parole officers (adult clientele, 1986 and 1987)	
Local probation officer	Not available
State probation officer (entry level)	\$19,402
State parole officer (entry level)	\$19,986
State chief probation officer	\$28,600
State chief parole officer	\$31,233
State parole board member	\$43,429
State parole board chairman	\$46,100
Federal probation officer (entry level)	\$22,458
Federal parole case analyst	\$22,458-42,341
Federal parole hearing examiner	\$38,727-59,488
Federal regional probation/parole administrator	\$53,830-69,976
US Parole Commissioner	\$72,500

Note: Multiple sources supplied the data in this table. Ranges are presented when the source did not provide enough information to compute an average. The list of

sources for this table is available from BJS either in the technical appendix or separately upon request.

local prosecutor and public defender salaries are not available. The National Criminal Defense Systems Study found that in 1982 State and local full-time chief public defender salaries ranged from \$6,000 to \$66,000 (with most fall-

ing between \$20,000 and \$30,000) and that chief prosecutors for the most part had higher salaries. The salaries of State and local police officers are about the same as those of correctional personnel.

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¹³Data were not collected in enough detail to break out Federal payments being passed through State governments

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¹⁶Long-term trends (1902-85, 1946-85, and 1960-85) for police and corrections are based on U.S. Census Bureau data, trends for 1971-85 are based on BJS data. Figures from the two sources for overlapping years vary somewhat. Because expenditure data from BJS are not available for employer contributions to fringe benefits, the rate of growth for 1971-85 is slightly understated. See technical appendix

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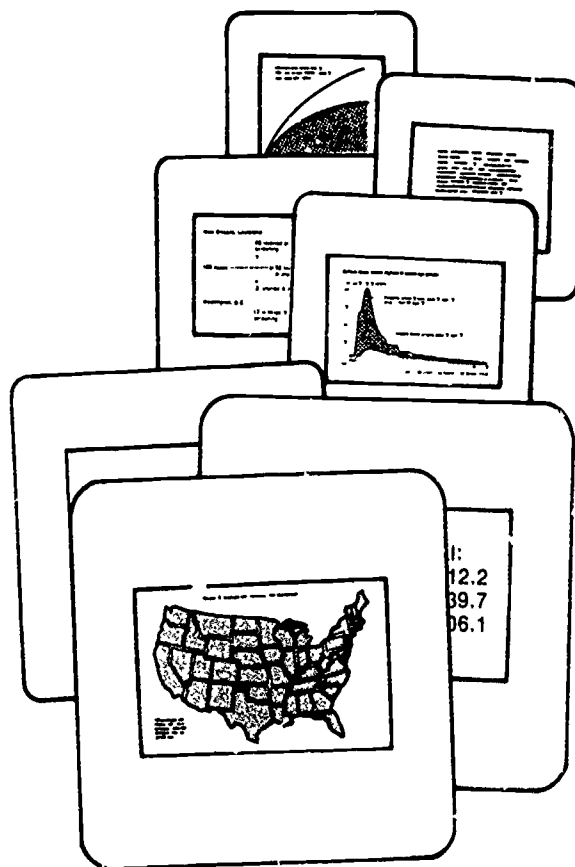
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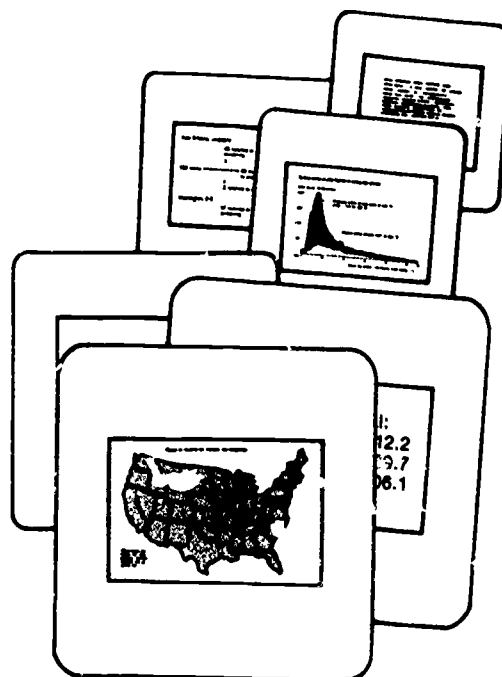
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Among the facts the report includes are the following:

- Homicide is the second most frequent cause of death among men and women who are between 15 and 34 years old (the leading cause is accidents).

- About 1 in 10 murders begins as a robbery.

- At current crime rates 1 in 30 black males will be a murder victim--compared to one in 179 white males.

- In all 50 states civilians may use deadly force if they reasonably believe their life is in danger.

- Most calls for police services are not to enforce the law.

- Twenty-eight percent of all arrests are related to drinking, and an additional 7 percent are for drug abuse violations.

- In 42 states jail time (usually one or two days) is mandatory for first or second drunk-driving convictions.

- Those states that authorize the death penalty do so most frequently for murders committed during another crime, murders of police officers or murders for hire.

- More than 1.5 percent of the U.S. adult population is under some form of correctional sanction, such as in jail or

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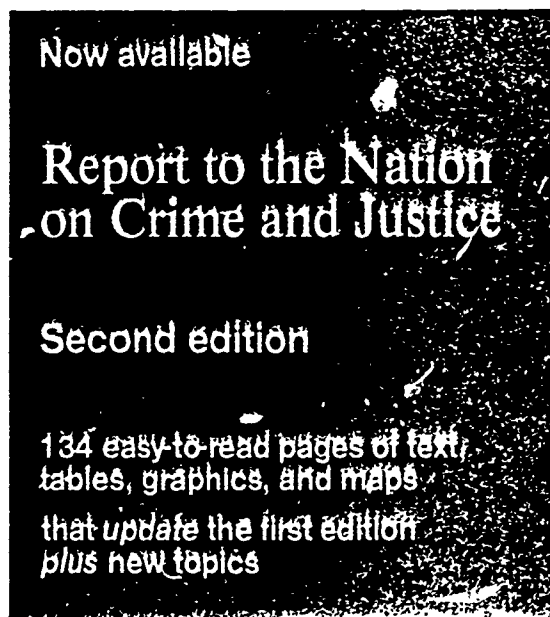
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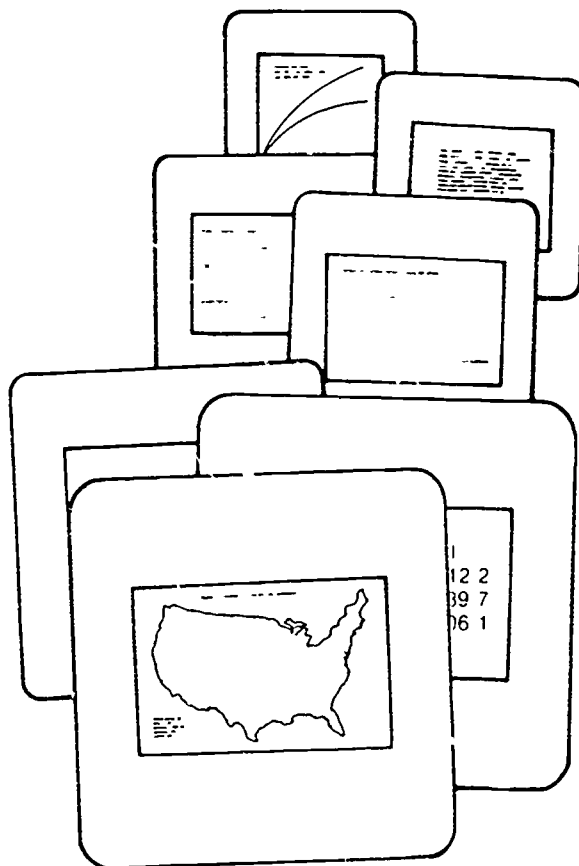
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Report to the Nation on Crime and Justice

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Technical Appendix

Report to the Nation on Crime and Justice

Second edition

NCJ-112011, July 1988

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**U.S. Department of Justice
Bureau of Justice Statistics**

**Steven R. Schlesinger
Director**

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Chapter I

The criminal event

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Crimes are defined by law

BJS Dictionary of criminal justice data terminology: Terms and definitions proposed for interstate and national data collection and exchange, 2nd edition, NCJ-76939, 1981, p. 61.

What are the characteristics of some serious crimes?

Definitions:

BJS Dictionary of criminal justice data terminology: Terms and definitions proposed for interstate and national data collection and exchange, 2nd edition, NCJ-76939, 1981.

Facts:

Homicide

FBI Crime in the United States 1985, pp. 7-12.

Rape

Place of occurrence:
BJS Criminal victimization in the United States, 1985, NCJ-104273, May 1987, table 52.

Time of occurrence:
BJS Criminal victimization in the United States, 1985, table 49.

Age:
BJS Criminal victimization in the United States, 1985, unpublished working table 4.

Age 12-15	7,030
Age 16-19	33,510
Age 20-24	39,320
Total	79,860

Total age 12-24	= 79,860	= 57.6%
Total rapes	138,490	

Robbery

Number of offenders:
BJS Criminal victimization in the United States, 1985, table 58.

Two offenders	22.7
Three	9.9
Four or more	11.0
	43.6%

Weapon use:
BJS Criminal victimization in the United States, 1985, tables 59 and 60.

Assault

Frequency:
BJS Criminal victimization in the United States, 1985, table 2.

Number of offenders:
BJS Criminal victimization in the United States, 1985, table 28.

Burglary

Type of place:
FBI Crime in the United States 1985, p. 25.

Type of burglary:
BJS Criminal victimization in the United States, 1985, table 2.

Time of occurrence:
Household burglary, BJS Bulletin, NCJ-96021, January 1985, table 4.

Larceny-theft

Type:
BJS Criminal victimization in the United States, 1985, table 52.

Age:
BJS Criminal victimization in the United States, 1985, table Y.

Time:
BJS Criminal victimization in the United States, 1985, table 49.

Motor vehicle theft

Reporting:
BJS Criminal victimization in the United States, 1985, table 87.

Recovery:

BJS Criminal victimization in the United States, 1985, table 78.

Arson

FBI Crime in the United States 1985, pp. 37-38.

How do violent crimes differ from property crimes?

BJS Dictionary of criminal justice data terminology: Terms and definitions proposed for interstate and national data collection and exchange, 2nd edition, NCJ-76939, 1981.

How do felonies differ from misdemeanors?

BJS Dictionary of criminal justice data terminology: Terms and definitions proposed for interstate and national data collection and exchange, 2nd edition, NCJ-76939, 1981.

What are some other common crimes in the United States?

BJS Dictionary of criminal justice data terminology: Terms and definitions proposed for interstate and national data collection and exchange, 2nd edition, NCJ-76939, 1981.

Pages 4-6

Homicide, robbery, and burglary are examples of common law crimes

Homicide

What is homicide?

BJS Dictionary of criminal justice data terminology: Terms and definitions proposed for interstate and national data collection and exchange, 2nd edition, NCJ-76939, 1981, pp. 63, 135, and 137.

Homicide often stems from other crimes

Carolyn Rebecca Block, Lethal violence in Chicago over seventeen years: Homicides known to the police, 1965-1981, Illinois Criminal Justice Information Authority, July 1985.

Homicides may be instrumental or impulsive

Carolyn Rebecca Block, Lethal violence in Chicago over seventeen years: Homicides known to the police, 1965-1981, Illinois Criminal Justice Information Authority, July 1985.

Murder most often results from arguments or the commission of another felony

FBI Crime in the United States 1985, p. 12.

Multiple murders include serial, mass, and spree murders

Douglas and Restler, "Criminal profiling from crime scene analysis," Behavioral Sciences and the Law (Autumn 1986) 4(4).

Jack Levine and James Alan Fox, Mass murder: America's growing menace (New York and London: Plenum Press, 1985).

Kevin Klose, "Trio allegedly motivated by money," Washington Post, February 17, 1985.

Robbery

Robbery includes theft as well as physical threat or attack

Robbery victims, BJS Special Report, NCJ-104638, April 1987, table 6.

The average theft loss from robbery was \$447

Robbery victims, BJS Special Report, NCJ-104638, April 1987, p. 2.

Robbery sometimes occurs along with other crimes

Robbery victims, BJS Special Report, NCJ-104638, April 1987, p. 1.

Most robberies were committed by strangers—and half by more than one offender

Robbery victims, BJS Special Report, NCJ-104638, April 1987.

Offenders displayed weapons in almost half of all robberies

Robbery victims, BJS Special Report, NCJ-104638, April 1987.

Robbery differs significantly from other violent crimes

Robbery victims, BJS Special Report, NCJ-104638, April 1987, table 6.

When do robberies occur?

Robbery victims, BJS Special Report, NCJ-104638, April 1987, table 7.

Where do robberies occur?

Robbery victims, BJS Special Report, NCJ-104638, April 1987, table 7.

Robbery rates declined between 1973 and 1984

Robbery victims, BJS Special Report, NCJ-104638, April 1987, table 7.

Slightly more than half of all robberies were reported to police

Robbery victims, BJS Special Report, NCJ-104638, April 1987, table 7.

Burglary

Burglary is unlawful entry usually, but not necessarily, attended by theft

FBI Crime in the United States 1985, p. 25.

Household burglary, BJS Bulletin, NCJ-96021, January 1985, p. 1.

Who commits household burglaries?

Household burglary, BJS Bulletin, NCJ-96021, January 1985, table 2.

Many of the violent crimes that occur in the home are committed during an illegal entry

Household burglary, BJS Bulletin, NCJ-96021, January 1985.

Burglary results in losses from theft and property damage

Household burglary, BJS Bulletin, NCJ-96021, January 1985.

When does burglary occur?

Household burglary, BJS Bulletin, NCJ-96021, January 1985.

What are the trends in burglary?

Household burglary, BJS Bulletin, NCJ-96021, January 1985.

Page 7

Driving while intoxicated has been defined as a crime because of public concern over traffic safety

Alcohol-related accidents pose a great threat to public safety

1985 traffic fatalities, preliminary report, technical report, DOT HS 806968, National Highway Traffic Safety Administration, U.S. Department of Transportation, May 1986.

Physical tests determine whether drivers are intoxicated

	Driving while intoxicated legislation									
	Mandatory minimum licensing for refusal to take breathalyzer		Minimum Blood Alcohol Concentration level that defines intoxication		Drinking age		Law* prohibiting "Happy Hour"		In vehicle you are prohibited from—	
	1st offense	2nd offense	1982	1986	1982	1986	Yes	No	Having an open container of alcohol	Consuming alcohol
Alabama	3mos.	12mos.	.10	.10	19	21		X		
Alaska	3	12	.10	.10	19	21		X		
Arizona	12	12	.10	.10	19	21	X			X
Arkansas	6	12	.10*	.10	21	21		X		X
California	6	24	.10	.10	21	21		X	X	X
Colorado	12	12	.10*	.15	19	18		X		X
Connecticut	6	12	.10	.10	19	21		X		
Delaware	6	18	.10	.10	20	21		X		
Dist. of Columbia	12	12	.10	.10	18	21		X		X
Florida	—	18	.10	.10	19	21		X		
Georgia	6	6	.10*	.12	19	21		X		
Hawaii	12	24	.10*	.10	18	21		X	X	X
Idaho	4	4	.08*	.10	19	19		X	X	
Illinois	—	3	.10	.10	21	21		X	X	
Indiana	12	12	.10*	.10	21	21	X			
Iowa	8	12	.13	.10	19	21		X	X	X
Kansas	—	—	.10*	.10	18	21	X		X	X
Kentucky	—	—	.10*	.10*	21	21		X		X
Louisiana	3	18	.10*	.10	18	18		X		
Maine	3	12	.10	.10	20	21	X			
Maryland	—	—	.08-13*	.08-13*	21	21		X	X	X
Massachusetts	4	4	.10*	.10*	20	21	X			X
Michigan	—	12	.10	.10	21	21	X		X	X
Minnesota	—	—	.10	.10	19	21		X	X	X
Mississippi	3	3	.10*	.10	18	21		X		
Missouri	—	12	.10	.10	21	21		X		
Montana	3	12	.10*	.10	19	19		X	X	X
Nebraska	2	6	.10	.10	20	21	X			X
Nevada	12	36	.10*	.10	21	21		X		X
New Hampshire	3	12	.10*	.10	20	21		X		X
New Jersey	6	24	.10*	.10	21	21	X			X
New Mexico	12	12	.10*	.10	21	21		X		
New York	6	12	.10	.10	19	21		X		X
North Carolina	6	12	.10	.10	18	21		X	X	X
North Dakota	12	12	.10*	.10	21	21		X	X	X
Ohio	—	—	.10*	.10	18	19	X			X
Oklahoma	—	—	.10	.10	18	21		X	X	X
Oregon	3	12	.10	.08	21	21		X		X
Pennsylvania	12	12	.10	.10	21	21		X		X
Rhode Island	3	12	.10*	.10	20	21	X			X
South Carolina	3	3	.10*	.10*	21	21		X	X	X
South Dakota	—	—	.10	.10	18	19		X	X	
Tennessee	—	—	.10*	.10*	19	21		X		
Texas	—	—	.10*	.10	19	21	X			
Utah	12	12	.10	.08	21	21		X	X	X
Vermont	6	18	.10	.10	18	21		X		X
Virginia	6	12	.10*	.10	18	21	X			X
Washington	12	24	.10	.10	21	21		X	X	X
West Virginia	12	60	.10	.10*	18	21		X		X
Wisconsin	5	2	.10	.10	18	21		X	X	X
Wyoming	6	6	—	.10*	19	19		X		

*Signifies a presumptive Blood Alcohol Concentration level.

Source: "Analysis by State - High Interest legislation," A digest of State alcohol-highway safety related legislation, 1st and 5th editions, National Highway Traffic Safety Administration, U.S. Department of Transportation, January 1983 and January 1987.

The level of alcohol as measured in the blood determines whether or not a driver is intoxicated

See foregoing table.

Many States have changed their laws that govern the determination of intoxication for driving offenses

See foregoing table.

States have tried to prevent drunk driving through control of alcohol consumption

See foregoing table.

The Federal Government has urged States to prevent drunk driving by raising the drinking age and by other measures

National Highway Traffic Safety Administration.

Page 8

Organized crime includes many traditional crimes as well as offenses such as racketeering

What is organized crime?

Report to the President and Attorney General, The impact: Organized crime today, President's Commission on Organized Crime (Washington: USGPO, April 1986)

Organized crime groups often are protected by corrupt officials in the government and private sector

Report to the President and Attorney General, The impact: Organized crime today, President's Commission on Organized Crime (Washington: USGPO, April 1986)

Organized crime groups are involved in many different activities

Report to the President and Attorney General, The impact: Organized crime today, President's Commission on Organized Crime (Washington: USGPO, April 1986), p. 424.

How much does organized crime cost?

Report to the President and Attorney General, The impact: Organized crime today, President's Commission on Organized Crime (Washington: USGPO, April 1986), pp. 425-426.

Racketeer Influenced and Corrupt Organization (RICO) statutes are key tools in the fight against organized crime

A comprehensive perspective on civil and criminal RICO legislation and litigation, American Bar Association, Criminal Justice Section, April 18, 1985, pp. 1-13.

Report to the President and Attorney General, The impact: Organized crime today, President's Commission on Organized Crime (Washington: USGPO, April 1986), p. 133.

Report to the President and Attorney General, The impact: Organized crime today, President's Commission on Organized Crime (Washington: USGPO, April 1986), p. 156.

Page 9

White-collar crime refers to a group of nonviolent crimes that generally involve deception or abuse of power

There is much debate about how to define "white-collar" crime

Albert J. Reiss, Jr. and Albert D. Blideman, Data sources on white-collar lawbreaking, National Institute of Justice, U.S. Department of Justice, September 1980, p. 1.

Edwin Sutherland, White collar crime (New York: Holt, Rinehart and Winston, 1949).

Herbert Edelhertz, The nature, impact and prosecution of white collar crime, National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, 1970.

Little data are available on the extent of white-collar crime

Electronic fund transfer and crime, BJS Special Report, NCJ-92650, February 1984.

Almost three-fourths of the white-collar crimes prosecuted at the State level resulted in convictions

Tracking offenders: White-collar crime, BJS Special Report, NCJ-102867, November 1986.

Page 10

High technology has provided new opportunities for crime

Prosecution of computer-related crimes presents special problems

Donn Parker, SRI, Inc.

Greater use of high technology has increased concern about computer crime

Electronic fund transfer fraud, BJS Special Report, NCJ-96666, March 1985, p. 1.

Automated teller machine fraud is of special concern to consumers

Electronic fund transfer fraud, BJS Special Report, NCJ-96666, March 1985.

Lost or stolen cards are used
in 49% of all automatic
teller machine frauds

Electronic fund transfer fraud,
BJS Special Report, NCJ-96666,
March 1985.

Page 11

Uniform Crime Reports (UCR) and
the National Crime Survey (NCS)
are the main sources of
national crime statistics

Original material from the Bureau of
Justice Statistics based on program
descriptions of the National Crime
Survey and the Uniform Crime
Reports.

Page 12

How much crime is there?

In 1985 violence or theft touched
about a fourth of all households

Households touched by crime, 1985,
BJS Bulletin, NCJ-101685, June 1986,
table 1.

A violent crime by strangers
and/or a burglary struck 8%
of all households in 1985

Households touched by crime, 1985,
BJS Bulletin, NCJ-101685, June 1986,
table 1.

35 million Americans were victimized
in 1985 according to NCS data

Criminal victimization, 1985, BJS
Bulletin, NCJ-102534, October 1986,
table 2.

Property crimes outnumbered violent
crimes by 9 to 1

Crime index total	100%	
Violent crimes	10.7%	100%
Murder	.2	1.4
Forcible rape	.7	6.6
Robbery	4.0	37.5
Aggravated assault	5.8	54.5
Property crimes	89.3%	100%
Burglary	24.7	27.7
Larceny theft	55.7	62.4
Motor vehicle theft	8.9	9.9

Source: FBI Crime in the United
States, 1985, table 1, p. 14.

12 million UCR Index Crimes
were reported to police in 1985

FBI Crime in the United States 1985,
table 1, p. 41.

Businesses reported almost
1 million burglaries and over
100,000 robberies in 1985

Burglaries		
Night	488,197	51.1%
Day	171,722	18.0
Unknown	296,177	30.9
Robberies		
Commercial house	55,411	54.0%
Gas/Service station	15,301	15.0
Convenience store	26,257	25.5
Bank	6,097	6.0
	103,066	

Source: FBI Crime in the United States
1985, table 18, p. 153.

Pages 13-15

What are the trends in crime?

Victimization rates are well below the levels of 1979

	Victimization rates per 1,000 population age 12 and older or per 1,000 households										Percent change 1976-85
	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	
Personal crimes											
Crimes of violence	32.6	33.9	33.7	34.5	33.3	35.3	34.3	31.0	31.4	30.0	-7.9%
Rape	.8	.9	1.0	1.1	.9	1.0	.8	.8	.9	.7	-15.5*
Robbery	6.5	6.2	5.9	6.3	6.6	7.4	7.1	6.0	5.7	5.1	-21.5
Assault	25.3	26.8	26.9	27.2	25.8	27.0	26.4	24.1	24.7	24.2	-4.2*
Aggravated assault	9.9	10.0	9.7	9.9	9.3	9.6	9.3	8.0	9.0	8.3	-16.1
Simple assault	15.4	16.8	17.2	17.3	16.5	17.3	17.1	16.2	15.7	15.9	3.4*
Crimes of theft	96.1	97.3	96.8	91.9	83.0	85.1	82.5	76.9	71.8	69.4	-27.8
Personal larceny with contact	2.9	2.7	3.1	2.9	3.0	3.3	3.1	3.0	2.8	2.7	-6.9*
Personal larceny without contact	93.2	94.6	93.6	89.0	80.0	81.9	79.5	74.0	69.1	66.7	-28.4
Household crimes											
Household burglary	88.9	88.5	86.0	84.1	84.3	87.9	78.2	70.0	64.1	62.7	-29.5
Household larceny	124.1	123.3	119.9	133.7	126.5	121.0	113.9	105.2	99.4	97.5	-21.4
Motor vehicle theft	16.5	17.0	17.5	17.5	16.7	17.1	16.2	14.6	15.2	14.2	-13.6

Note: Detail may add to total shown because of rounding.

*The difference is not statistically significant at the 90% confidence level.

Source: Criminal victimization, 1985, BJS Bulletin, NCJ-102534, October 1985, tables 3 and 4.

Index crimes reported to the police have declined from their peak rates of 1980

	UCR Index Crime rate per 100,000 residents										Percent change 1976-85
	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	
Crime Index total	5,287.3	5,077.6	5,140.3	5,565.5	5,950.0	5,858.2	5,603.6	5,175.0	5,031.3	5,206.5	-1.5%
Violent crimes	467.8	475.9	497.8	548.9	596.6	594.3	571.1	537.7	539.2	556.0	+18.9
Murder/non-negli- gent manslaughter	8.8	8.8	9.0	9.7	10.2	9.8	9.1	8.3	7.9	7.9	-10.2
Forcible rape	26.6	29.4	31.0	34.7	36.0	36.0	34.0	33.7	35.7	36.6	+37.6
Robbery	199.3	190.7	195.8	218.4	251.1	258.7	238.9	216.5	205.4	208.5	+4.6
Aggravated assault	233.2	247.0	262.1	286.0	298.5	289.7	289.2	279.2	290.2	302.9	+29.9
Property crimes	4,819.5	4,601.7	4,642.5	5,016.6	5,353.3	5,263.9	5,032.5	4,637.4	4,492.1	4,650.5	-3.5
Burglary	1,448.2	1,419.8	1,434.6	1,511.9	1,684.1	1,649.5	1,488.8	1,337.7	1,263.7	1,287.3	-11.1
Larceny-theft	2,921.3	2,729.9	2,747.4	2,999.1	3,167.0	3,139.7	3,084.8	2,868.9	2,791.3	2,901.2	-0.7
Motor vehicle theft	450.0	451.9	460.5	505.6	502.2	474.7	458.8	430.8	437.1	462.0	+2.7

Source: FBI Crime in the United States 1985, table 1, p. 41.

The percentage of households touched by crime has declined over the past 10 years

Households touched by crime, 1985, BJS Bulletin, NCJ-101685, June 1986, table 2.

Homicide statistics provide insights into long-term crime trends

Annual summary of births, marriages, divorces, and deaths, 1984 and previous years, National Center for Health Statistics.

Page 17

When does crime occur?

In 1980, the homicide rate reached its highest level in this century

1900 - 1.2	1920 - 6.8	1940 - 6.3	1960 - 4.7	1980 - 10.7
1901 - 1.2	1921 - 8.1	1941 - 6.0	1961 - 4.7	1981 - 10.3
1902 - 1.2	1922 - 8.0	1942 - 5.9	1962 - 4.8	1982 - 9.6
1903 - 1.1	1923 - 7.8	1943 - 5.1	1963 - 4.9	1983 - 8.6
1904 - 1.3	1924 - 8.1	1944 - 5.0	1964 - 5.1	1984 - 8.4
1905 - 2.1	1925 - 8.3	1945 - 5.7	1965 - 5.5	1985 - 8.1
1906 - 3.9	1926 - 8.4	1946 - 6.4	1966 - 5.9	
1907 - 4.9	1927 - 8.4	1947 - 6.1	1967 - 6.8	
1908 - 4.8	1928 - 8.6	1948 - 5.9	1968 - 7.3	
1909 - 4.2	1929 - 8.4	1949 - 5.4	1969 - 7.7	
1910 - 4.6	1930 - 8.8	1950 - 5.3	1970 - 8.3	
1911 - 5.5	1931 - 9.2	1951 - 4.9	1971 - 9.1	
1912 - 5.4	1932 - 9.0	1952 - 5.2	1972 - 9.4	
1913 - 6.1	1933 - 9.7	1953 - 4.8	1973 - 9.7	
1914 - 6.2	1934 - 9.5	1954 - 4.8	1974 - 10.1	
1915 - 5.9	1935 - 8.3	1955 - 4.5	1975 - 9.9	
1916 - 6.3	1936 - 8.0	1956 - 4.6	1976 - 9.0	
1917 - 6.9	1937 - 7.6	1957 - 4.5	1977 - 9.1	
1918 - 6.5	1938 - 6.8	1958 - 4.5	1978 - 9.2	
1919 - 7.2	1939 - 6.4	1959 - 4.6	1979 - 10.0	

Source: Vital statistics of the United States, National Center for Health Statistics.

The warmer months are the peak season for many types of crime

National Crime Survey data 1980-84, U.S. Bureau of the Census, Seasonal Adjustment Analysis.

FBI Crime in the United States, 1984, p. 17.

Crime incidence varies with time of day

BJS Criminal victimization in the United States, 1985, NCJ-104273, May 1987, table 49.

Page 16

How serious are various types of crimes?

The public's ranking of the severity of crimes was measured through a national survey

The severity of crime, BJS Bulletin, NCJ-92326, January 1984.

The National Survey of Crime Severity found that many diverse groups of people generally agree about the relative severity of specific crimes

The severity of crime, BJS Bulletin, NCJ-92326, January 1984.

How do people rank the severity of crime?

The severity of crime, BJS Bulletin, NCJ-92326, January 1984.

Almost everyone agrees that violent crime is more serious than property crime

The severity of crime, BJS Bulletin, NCJ-92326, January 1984.

White-collar crimes are viewed as seriously as many conventional property and violent crimes

The severity of crime, BJS Bulletin, NCJ-92326, January 1984.

Some types of larceny and burglary show strong seasonal trends

Year	Victimization rates											
	January	February	March	April	May	June	July	August	September	October	November	December
Household larceny												
1980	3.22	3.19	2.96	3.58	4.39	4.92	5.27	5.30	4.34	4.46	4.64	3.84
1981	3.35	3.46	3.18	3.54	3.77	4.15	5.10	4.74	4.06	4.34	4.10	4.09
1982	2.95	2.98	3.17	3.61	4.17	4.12	4.99	4.75	4.08	3.62	4.06	3.33
1983	2.94	2.74	3.01	3.09	3.90	3.83	4.60	4.73	3.57	3.36	3.69	3.16
1984	2.96	2.99	3.28	3.34	3.54	4.06	4.18	4.62	3.49	3.90	3.28	3.34
Unlawful entry												
1980	2.65	2.28	2.56	2.61	2.92	3.65	3.75	3.92	3.06	3.04	3.14	3.04
1981	2.42	2.58	2.55	3.28	3.31	3.54	3.63	3.69	3.25	2.78	2.78	2.73
1982	2.54	2.36	2.62	3.03	2.60	3.35	3.60	3.11	2.94	2.79	2.88	2.52
1983	2.12	2.44	2.19	2.04	2.83	2.85	3.06	3.04	2.38	2.65	2.30	2.16
1984	1.79	2.02	2.69	2.23	2.21	2.42	2.62	2.69	1.98	2.86	2.18	2.38
Personal larceny with contact												
1980	.27	.3	.24	.18	.15	.25	.21	.19	.26	.32	.31	.30
1981	.23	.29	.25	.1	.29	.23	.23	.24	.20	.22	.20	.45
1982	.20	.24	.19	.5	.28	.27	.33	.23	.20	.26	.23	.34
1983	.17	.23	.25	.23	.26	.20	.18	.22	.21	.26	.29	.40
1984	.26	.26	.28	.22	.15	.23	.29	.23	.17	.18	.17	.27

Source: BJS National Crime Survey, 1980-84.

Pages 18-19

Where does most crime occur?

In what counties is crime most likely to occur?

The data for this map were developed from a file of 1984 Uniform Crime Reports data supplied by the FBI that contained offenses, arrests, number of months of reporting, and population by reporting agency grouped by county and State. Data were aggregated to the county level for mapping with the following limitations:

1. Jurisdictions reporting for less than 12 months but for at least 6 were weighted up to a 12 month total. Thus, a jurisdiction reporting for 6 months would have its number of reported incidents multiplied by 2.
2. Jurisdictions reporting for less than 6 months were deleted, and county rates were calculated on a population base which excluded the populations from such jurisdictions.

2. In a State in which State police or other police units do not submit reports which can be assigned to a particular county, these reports were allocated to all counties in the State, proportional to county population.

3. In some States, townships, boroughs, or divisions were treated like counties.

The data were aggregated and mapped using MIDAS at the University of Michigan. The mapping program required FIPS codes which were added to the FBI files. Some adjustments to the data were required to permit mapping as the FIPS codes in the U.S. county files available at Michigan were not up-to-date. For example, a section of Valencia County, New Mexico, had been separated into a separate, new county of Cibola. While the UCR data reflected this change, the Michigan files did not. Therefore, the data for these two counties were aggregated to permit mapping.

Both the original UCR file and the aggregated county level files are available from the Criminal Justice Data Archive and Information Network at the Inter-University Consortium for Political and Social Research at the University of Michigan.

Source: FBI Uniform Crime Reports, 1984.

Counties with the highest crime rates are diverse; those with the lowest rates tend to be rural

FBI Uniform Crime Reports, 1984 as analyzed by BJS.

In some ways, the incidence of crime differs by region

Households touched by crime, 1986, BJS Bulletin, NCJ-25289, June 1987, p. 4.

Crime rates are highest in major metropolitan areas

Metropolitan statistical areas (MSAs)
Urbanized areas that include at least one city with 50,000 or more inhabitants, or a Census Bureau-defined urbanized area of at least 50,000 inhabitants and a total MSA population of at least 100,000. An MSA comprises the county in which a central city is located, plus other nearby counties that satisfy certain criteria of urbanization and integration with the central city. New England MSAs are defined in terms of cities and towns rather than counties.

Non-MSA cities—Cities that do not qualify as MSA central cities and are not otherwise included in an MSA.

Suburban areas—Suburban cities and counties within metropolitan areas. Excludes central cities. Suburban areas are also included in total MSA statistics. Counties that have both suburban and rural areas are classified as suburban by the FBI.

Source: FBI Crime in the United States 1985, tables 2 and 14.

What are the trends in urban, suburban, and rural crime?

	Percent change in index crime rates 1983-86	
	Violent crime	Property crime
MSAs	17%	5%
Non-MSA cities	11	3
Suburban areas	20	5
Rural areas	9	-2

Note: A very small amount of the difference in rates over time may be due to lack of complete correspondence between jurisdictions reporting to the FBI in 1983 and 1986. Such partial data constitute a very small proportion of jurisdictional data. The FBI includes only jurisdictions reporting for two successive years in their calculations of annual changes in crime.

Source: FBI Crime in the United States, 1985, tables 2 and 14.

Persons who live in central cities are more likely than suburban or rural residents to be victimized

Locating city, suburban, and rural crime, BJS Special Report, NCJ-99535, December 1985, table 1.

By far the largest number of crimes occurs in the general area where the victim lives

Locating city, suburban, and rural crime, BJS Special Report, NCJ-99535, December 1985, tables 2-4 and p. 3.

87% of violent crimes by strangers occurred away from victim's home

BJS Criminal victimization in the United States, 1985, NCJ-104273, May 1987, table 52.

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To what extent are weapons involved in crime?

Except for homicide, most violent crimes do not involve weapons

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, table 2; and FBI Crime in the United States 1985, 1985, p. 10.

Weapons are most often used to threaten

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, p. 3.

Armed offenders seldom had more than one type of weapon

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, p. 3.

Handguns were used in 43% of all homicides in 1985

Weapon	Homicides	
	Percent	Number
Firearms		
Handguns	43.0%	7,548
Shotguns	6.8	1,188
Rifles	4.6	810
Other firearms	4.3	750
Cutting or stabbing instruments	21.1	3,694
Blunt objects (Clubs, hammers, etc.)	5.5	972
Personal weapons (Hand, fist, feet, etc.)	6.7	1,180
Other homicide method (Poison, explosive, fire, strangulation, etc.)	8.0	1,403

Source: FBI Crime in the United States 1985, p. 10.

An offender's choice of weapons can affect crime completion

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, table 5.

The armed assailants that victims face are more likely to be strangers than nonstrangers

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, table 8.

Victims attacked by armed offenders were more likely than those attacked by unarmed offenders to be injured seriously

Type of weapon	Number of victimizations	Total	Was victim attacked?*		Was victim injured?		Did injured victim need medical help?		Did victims who needed medical help receive hospital care?	
			No	Yes	No	Yes	No	Yes	No	Yes
By armed offenders										
Gun only	7,565,000	100%	63%	37%	23%	14%	6%	8%	1%	6%
Knife only	6,190,000	100	57	43	18	25	11	14	-	10
Other only	7,923,000	100	37	63	18	45	23	22	7	15
Combination of weapons	1,142,000	100	42	58	20	38	17	21	7	15
Type not ascertained	1,187,000	100	44	56	14	42	24	19	6	13
By unarmed offenders										
	36,431,000	100%	48%	52%	22%	30%	20%	10%	5%	7%
Don't know whether offender armed										
	4,905,000	100%	63%	37%	15%	22%	13%	9%		6%

Note: Percentages in each column represent subcategories of the previous column. When read horizontally the table shows what happens to the 100% of victims of each weapon category. Percents may not add to total because of rounding.

*Attacks include attempted attacks.
Source: The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, table 12, p. 4.

Type of Weapon	Total	Number of victims who--			
		Were attacked	Were injured	Needed medical help	Required hospital care
Gun only	7,565,000	2,768,790	1,059,100	567,375	469,030
Knife only	6,190,000	2,643,130	1,541,310	841,840	625,190
Other only	7,923,000	4,975,644	3,565,350	1,743,060	1,228,065
Combination of weapons	1,142,000	664,644	32,818	240,962	165,590
Not ascertained	1,187,000	665,907	504,475	224,343	157,871
Total	24,007,000	11,718,115	7,103,053	3,617,580	2,645,746
	100%	49.0%	29.6%	15.0%	11.0%

Source: Derived from The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, table 12, p. 4.

What is the relationship between injury and presence of a gun in victimization?

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, tables 9, 12, 13, and 16.

Men were more likely than women and blacks were more likely than whites to be attacked by an armed offender

The use of weapons in committing crimes, BJS Special Report, NCJ-99643, January 1986, table 6.

Law enforcement officers most often are assaulted by unarmed offenders

Percentage involved weapons calculated from table 7 of the FBI's Law enforcement officers killed and assaulted 1985

	Number	Percent
Total	61,724	
Firearm	2,793	5%
Knife	1,715	3
Other weapon	5,263	9
Hands	51,953	85

847 bombing incidents occurred in the United States in 1985

FBI Bomb summary, 1985.

What is the target of bombings?

FBI Bomb summary, 1985.

What is the motive in bombing incidents?

FBI Bomb summary, 1985, table 2.

Chapter II

The victim

Page 24

The fear of crime affects many people, including some who have never been victims of crime

How do crime rates compare with the rates of other life events?

Events

Accidental injury, all circumstances

$$1,000 \times 39,769,000/164,452,000 = 242$$

numerator:

$$39,769,000 = 10,075,000 + 15,517,000 + 8,895,000 + 5,282,000$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, table 52, p. 71. 1982 data on persons ages 18 and over.

$$\begin{aligned} \text{base population:} \\ 164,452,000 = 94,884,000 + 44,177,000 + 25,391,000 \end{aligned}$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, table 75, p. 121. 1982 data on persons ages 18 and over.

Accidental injury at home

$$1,000 \times 13,013,000/164,452,000 = 79$$

numerator:

$$13,013,000 = 2,301,000 + 4,990,000 + 2,946,000 + 2,776,000$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, table 52, p. 71. 1982 data on persons ages 18 and over.

$$\begin{aligned} \text{base population:} \\ 164,452,000 = 94,884,000 + 44,177,000 + 25,391,000 \end{aligned}$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, table 75, p. 121. 1982 data on persons ages 18 and over.

Personal theft

$$71.8 = 72$$

Source: Criminal victimization, 1984, table 2. 1984 data on persons ages 12 and over.

Accidental injury at work

$$5.8 \times 10 = 58$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, table 51, p. 69. 1982 data on persons ages 18 and over.

Violent victimization

Rate: 31

Source: Criminal victimization, 1984, table 2. 1984 data on persons ages 12 and over.

Assault (aggravated and simple)

$$24.3 = 24$$

Source: Criminal victimization, 1984, table 2. 1984 data on persons ages 12 and over.

Injury in motor vehicle accident

$$1,000 \times 2,857,000/164,452,000 = 17$$

numerator:

$$2,857,000 = 1,014,000 + 1,126,000 + 625,000 + 92,000$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, table 52, p. 71. 1982 data on persons ages 18 and over.

$$\begin{aligned} \text{base population:} \\ 164,452,000 = 94,884,000 + 44,177,000 + 25,391,000 \end{aligned}$$

Source: "Current estimates from the National Health Interview Survey, United States, 1982," Vital

and health statistics, table 75, p. 121. 1982 data on persons ages 18 and over.

Death, all causes

$$1,000 \times 1,961,630/182,380,000 = 11$$

numerator:

$$1,961,630 = 2,019,201 - (40,627 + 7,801 + 4,259 + 4,884)$$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 2, p. 11. 1983 data on persons ages 15 and over.

base population:

$$182,380,000 = 3,604,000 + 178,776,000$$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Victimization with injury

$$1,000 \times 1,903,240/191,962,000 = 9.9 = 10$$

Source: Criminal victimization, 1984, unpublished data, table 18, pp. 30-31.

Serious (aggravated) assault

$$8.7 = 9$$

Source: Criminal victimization, 1984, table 2. 1984 data on persons ages 12 and over.

Robbery

$$5.8 = 6$$

Source: Criminal victimization, 1984, table 2. 1984 data on persons ages 12 and over.

Heart disease death

$$1,000 \times 768,810/182,380,000 = 4$$

numerator:

$$768,810 = 770,432 - (955 + 349 + 318)$$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 22. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Cancer death

$1,000 \times 440,882/182,380,000 = 2$

numerator:
 $440,882 = 442,986 - (132 + 654 + 1,318)$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 21. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Rape (women only)

$1.6 = 2$

Source: Criminal victimization, 1984, table 3. 1984 data on females ages 12 and over.

Accidental death, all circumstances

$1,000 \times 84,168/182,380,000 = 0.5$

numerator:
 $84,168 = 92,488 - (956 + 3,043 + 4,321)$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 23. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Pneumonia/influenza death

$1,000 \times 54,723/182,380,000 = 0.3$

numerator:
 $54,723 = 55,854 - (769 + 232 + 130)$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 22. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Motor vehicle accident death

$1,000 \times 40,978/182,380,000 = 0.2$

numerator:
 $40,978 = 44,452 - (190 + 1,043 + 2,241)$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 23. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Suicide

$1,000 \times 28,090/182,380,000 = 0.2$

numerator:
 $28,090 = 28,295 - 205$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 23. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Injury from fire

$1,000 \times 30,525/231,822,000 = 0.1$

numerator:
 $30,525$

Source: The 1984 fire almanac, p. 160. 1982 data on persons of all ages.

base population:
 $231,822,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, p. 20. 1982 data on persons of all ages.

Homicide/legal intervention death

$1,000 \times 19,321/182,380,000 = 0.1$

numerator:
 $19,321 = 20,191 - (193 + 320 + 357)$

Source: "Advance report of final mortality statistics, 1983," Monthly vital statistics report, table 6, p. 23. 1983 data on persons ages 15 and over.

base population:
 $182,380,000 = 3,604,000 + 178,776,000$

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, pp. 18-19. 1983 data on persons ages 15 and over.

Death from fire

$1,00 \times 6,020/231,822,000 = 0.03$

numerator: 6,020

Source: The 1984 fire almanac, p. 159. 1982 data on persons of all ages.

base population: 231,822,000

Source: Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, table 2, p. 20. 1982 data on persons of all ages.

Sources:

Criminal victimization, 1984, BJS Bulletin, NCJ-98904, October 1985.

"Advance report of final mortality statistics, 1983," Monthly vital statistics report, vol. 24, no. 6, Supp. (2), DHHS pub. no. (PHS) 85-1120, National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services, September 26, 1985.

"Current estimates from the National Health Interview Survey, United States, 1982," Vital and health statistics, series 10, no. 150, DHHS pub. no. (PHS) 85-1578, National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services, September 1985.

The 1984 fire almanac, National Fire Protection Association (NFPA), Quincy, Mass., 1983.

Estimates of the population of the United States, by age, sex, and race: 1980 to 1984, Current Population Reports, Series P-15, No. 965, Bureau of the Census, U.S. Department of Commerce, 1985.

The groups at the highest risk of becoming victims are not the ones who express the greatest fear of crime

Reactions to crime project, Executive summary, National Institute of Justice, U.S. Department of Justice, May 1982.

About a third of the people in the United States feel very safe in their neighborhoods

Crime prevention measures, BJS Special Report, NCJ-100438, March 1986, p. 4, table 9.

Fear of crime by selected demographic characteristics, 1984.

Demographic characteristics	Percentage of respondents who felt their neighborhoods were:				
	Total	Very safe	Fairly unsafe	Very unsafe	Don't know
Total	100%	32%	59%	9%	1%
Sex					
Male	100	33	58	8	1
Female	100	30	59	10	1
Race					
White	100	33	58	7	1
Black	100	19	61	19	2
Other	100	33	52	12	3*
Ethnicity					
Non-Hispanic	100	32	59	8	1
Hispanic	100	24	58	16	2
Ages					
18-19	100	32	58	10	1*
20-24	100	26	61	13	1
25-34	100	27	61	11	1
35-49	100	30	61	8	1
50-64	100	35	57	7	1
65 and over	100	42	51	6	2
Educational attainment					
Elementary school	100	38	51	8	3
High school	100	31	59	9	1
College	100	31	60	9	1
Family income					
Less than \$7,500	100	30	54	14	2
\$7,500-9,999	100	32	55	12	2
\$10,000-14,999	100	31	58	10	1
\$15,000-24,999	100	30	61	8	1
\$25,000-29,999	100	32	59	8	0*
\$30,000-49,999	100	33	61	5	1
\$50,000 or more	100	39	56	4	1*
Number of persons in household					
1	100	21	55	12	1
2-3	100	32	58	8	1
4-5	100	31	60	8	1
6 or more	100	30	60	10	1
Tenure					
Owned	100	35	58	6	1
Rented	100	23	60	15	2
Number of units in structure					
1 unit	100	35	58	6	1
2-3 units	100	23	63	13	2
4-9 units	100	21	62	15	2
10 units or more	100	19	58	20	2
Mobile home	100	35	55	9	1*
Type of locality					
Central city of an SMSA	100	20	62	16	1
Suburban area of an SMSA	100	32	60	7	1
Nonmetropolitan area	100	41	53	5	1

Notes: Percentages may not total to 100% due to rounding.

*Estimate based on 0 or about 13 sample cases or fewer is statistically unreliable.

Source: Victimization Risk supplement to the National Crime Survey, 1984.

Relatives, friends, and neighbors who hear about a crime become as fearful as the victim

Reactions to crime project, Executive summary, National Institute of Justice, U.S. Department of Justice, May 1982.

How does crime affect its victims?

\$13 billion was lost from personal and household crimes in 1985

FBI Crime in the United States 1985, July 1986, pp. 18, 25, and 29.

Total economic loss to victims of crime, 1985

Type of crime	Gross loss in dollars (millions)
All crimes	\$13,029
Personal crimes	3,363
Crimes of violence	742
Rape	15
Robbery	492
Assault	242
Crimes of theft	2,614
Personal larceny with contact	80
without contact	2,534
Household crimes	
Burglary	9,666
Household larceny	3,499
Motor vehicle theft	4,560

BJS National Crime Survey 1985, unpublished data.

The economic impact of crime differs for different groups

Economic cost of crime to victims, BJS Special Report, NCJ-93450, April 1984, tables 2, 8, and 10.

Many victims or members of their families lose time from work

BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, table 81.

Violent crimes killed 19,000 and injured 1.7 million in 1985**Homicide**

Number of homicides in 1985 - 18,976

Source: FBI Crime in the United States 1985, table 2.

Injury

BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, tables 2, 85, 67, 72, and 75.

Number of injuries:

	Number of violent victimizations	Per 100%
1985 total ¹	5,822,650	100%
Involving injury ²	1,719,540	29.53
Requiring medical attention ³	849,740	14.59
Requiring hospital care ⁴	456,030	7.83

Likelihood of injury:

Sex⁴

Men = 26.1%
Women = 33.3%

Race⁵

Whites -
1,408,820 injured = 29.0%
4,853,250 victims

Blacks -
254,840 injured = 30.0%
844,500 victims

Income⁴

Less than \$7,500 = 34.1%
\$50,000+ = 22%

Source: BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987.

¹Table 2

²Table 72

³Table 70

⁴Table 65

⁵Tables 67 and 72

Who is injured seriously enough to require medical attention?

Injury (other than rape) by sex

Sex of victim	Violent victimizations involving					
	No injury		Injury		Total	
	Number	Percent	Number	Percent	Number	Percent
Male	30,152,312.27	72.9%	11,220,311.30	27.1%	41,372,623.57	100%
Female	16,066,866.86	68.1	7,536,084.45	31.9	23,602,951.32	100
Total	46,219,179.13	71.1	18,756,395.75	28.9	64,975,574.89	100

Note: Includes only rape victimizations that resulted in injuries in addition to the rape itself.

Medical attention

Sex of victim	Violent victimizations					
	Not requiring medical attention		Requiring medical attention		Total	
	Number	Percent	Number	Percent	Number	Percent
Male	36,563,173.25	88.4%	4,809,450.32	11.65%	41,372,623.57	100%
Female	20,591,660.54	87.2	3,011,290.77	12.8	23,602,951.32	100
Total	57,154,833.80	88.0	7,820,741.09	12.0	64,975,574.89	100
Race of victim						
White	48,954,202.40	88.7%	6,231,914.32	11.3%	55,186,116.72	100%
Black	7,337,830.74	83.7	1,423,493.77	16.3	8,761,324.51	100
Other	862,800.65	84.4	159,333.01	15.6	1,022,133.66	100
Total	57,154,833.80	88.0	7,820,741.09	12.0	64,975,574.89	100

Source: National Crime Survey, 1973-82, unpublished data.

How seriously a victim is injured varies by type of crime

	Violent victimizations					
	Not requiring medical care		Requiring medical care		Total	
	Number	Percent	Number	Percent	Number	Percent
Rape	1,316,709.99	76.2%	411,689.81	23.8%	1,728,399.79	100%
Robbery	10,407,983.37	85.5	1,771,729.85	14.5	12,179,713.22	100
Assault	45,430,140.44	89.0	5,637,321.43	11.0	51,067,461.87	100
Total	57,154,833.80	88.0	7,820,741.09	12.0	64,975,574.89	100

	Violent victimizations					
	Not requiring hospital care		Requiring hospital care			
			Emergency room		Overnight or longer	
	Number	Percent	Number	Percent	Number	Percent
Rape	1,449,083.43	83.8%	234,424.22	13.6%	44,892.14	2.6%
Robbery	11,055,271.61	90.8	838,593.11	6.9	285,848.50	2.3
Assault	47,708,071.84	93.4	2,695,174.41	5.3	664,215.62	1.3
Aggravated assault	16,130,966.42	87.3	1,743,938.96	9.4	611,203.64	3.3
Simple assault	31,577,105.42	96.9	951,235.45	2.9	53,011.98	0.2
Total	60,212,126.89	92.7	3,768,191.74	5.8	994,556.25	1.5
					Totals	
					Number	Percent
					1,728,399.79	100%
					12,179,713.22	100
					51,067,461.87	100
					18,486,109.03	100
					32,581,352.85	100
					64,975,574.89	100

Source: National Crime Survey, 1973-82, unpublished data.

Pages 26-27

What kinds of households are the victims of crime?BJS Criminal victimization in the U.S., 1984, NCJ-100435, May 1986, table 33.BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, tables 17, 18, 20, 21, 25 and 26.

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Who are the victims of homicide?**What are the characteristics of homicide victims?**"Age, sex, race, and ethnic origin of murder victims, 1985," FBI Crime in the United States 1985, p. 9.Estimates of the population of the United States by age, sex, and race,1980-1985, Series P-25, No. 985, Bureau of the Census, U.S. Department of Commerce, 1986, table 2.**What is your lifetime risk of being a homicide victim?**

These data are updates and revisions of data from The risk of violent crime, a BJS Special Report (NCJ-97119), May 1985. Refined methodology as discussed below and the use of more recent data account for the differences between these data and those from the Special Report.

The lifetime risk of homicide is determined by calculating the number of persons out of 100,000 born alive who may die as a result of homicide. It assumes that the death rate and homicide rate are stable at 1983 levels. It uses the number of people out of 100,000 originally born alive for each age interval. For example, of the 100,000 originally born alive, 90,833 black males were still alive at ages 35-36. For each age interval the proportion of persons dying from homicide was multiplied times the number alive in the interval to

The risk of being victimized depends on a combination of factors**Victimization rates per 1,000 persons age 12 and older**BJS Criminal victimization in the U.S., 1984, NCJ-100435, May 1986, tables 17 and 20.BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, tables 2, 3, 4, 6, 8, 10, and 12.**Who are the victims of violent crime?**BJS Criminal victimization in the U.S., 1984 and 1985.BJS Criminal victimization in the U.S., 1984, NCJ-100435, May 1986, tables 17 and 20.BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, tables 3, 4, 6, 8, 11, and 14.

estimate the number of persons dying from homicide during that age interval. The sum of the number of persons dying from homicide at each age interval gives the total number of persons out of 100,000 born

alive who die as a result of homicide over a lifetime.

The proportion of persons dying from homicide in each age group in 1983 is calculated by dividing the number of

persons dying from homicide (exclusive of legal executions and legal interventions) by the resident population for each age group.

White male: Lifetime risk of homicide

Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide
0-1	100,000	.000033	3	30-31	95,697	.000137	13	60-61	80,472	.000059	5
1-2	98,767	.000017	2	31-32	95,539	.000137	13	61-62	79,043	.000059	5
2-3	98,674	.000017	2	32-33	95,382	.000137	13	62-63	77,514	.000059	5
3-4	98,605	.000017	2	33-34	95,224	.000137	13	63-64	75,878	.000059	4
4-5	98,552	.000017	2	34-35	95,063	.000137	13	64-65	74,128	.000059	4
5-6	98,508	.000008	1	35-36	94,897	.000123	12	65-66	72,260	.000048	3
6-7	98,470	.000008	1	36-37	94,723	.000123	12	66-67	70,272	.000048	3
7-8	98,434	.000008	1	37-38	94,540	.000123	12	67-68	68,168	.000048	3
8-9	98,401	.000008	1	38-39	94,345	.000123	12	68-69	65,947	.000048	3
9-10	98,372	.000008	1	39-40	94,137	.000123	12	69-70	63,610	.000048	3
10-11	98,348	.000011	1	40-41	93,913	.000119	11	70-71	61,159	.000045	3
11-12	98,328	.000011	1	41-42	93,670	.000119	11	71-72	58,600	.000045	3
12-13	98,308	.000011	1	42-43	93,405	.000119	11	72-73	55,941	.000045	2
13-14	98,281	.000011	1	43-44	93,114	.000119	11	73-74	53,192	.000045	2
14-15	98,235	.000011	1	44-45	92,795	.000119	11	74-75	50,366	.000045	2
15-16	98,164	.000075	7	46-47	92,055	.000096	9	75-76	47,477	.000043	2
16-17	98,065	.000075	7	47-48	91,628	.000096	9	76-77	44,537	.000043	2
17-18	97,940	.000075	7	48-49	91,156	.000096	9	77-78	41,559	.000043	2
18-19	97,793	.000075	7	49-50	90,675	.000096	9	78-79	38,558	.000043	2
19-20	97,631	.000075	7	50-51	90,059	.000084	8	79-80	35,541	.000043	2
20-21	97,461	.000146	14	51-52	89,424	.000084	8	80-81	32,545	.000046	1
21-22	97,283	.000146	14	52-53	88,726	.000084	7	81-82	29,587	.000046	1
22-23	97,097	.000146	14	53-54	87,963	.000084	7	82-83	26,635	.000046	1
23-24	96,907	.000146	14	54-55	87,131	.000084	7	83-84	23,771	.000046	1
24-25	96,718	.000146	14	55-56	86,226	.000068	6	84-85	20,999	.000046	1
25-26	96,534	.000153	15	56-57	85,246	.000068	6	85+	18,346	.000057	1
26-27	96,356	.000153	15	57-58	84,185	.000068	6	Total			559
27-28	96,185	.000153	15	58-59	83,039	.000068	6				
28-29	96,019	.000153	15	59-60	81,803	.000068	6				
29-30	95,857	.000153	15								

559/100,000 = 1 out of 179

1983 deaths from homicide, legal execution, or legal intervention

Age group	Total	Executions	Legal intervention	Homicide	Resident population	Homicide rate
0-1	50	0	0	50	1,500,000	.000033
1-4	97	0	0	97	5,870,000	.000017
5-9	52	0	0	52	6,696,000	.000008
10-14	83	0	0	83	7,482,000	.000011
15-19	611	0	8	603	8,070,000	.000075
20-24	1368	0	26	1,342	9,181,000	.000146
25-29	1408	0	31	1,377	8,584,000	.000153
30-34	1140	2	27	1,111	8,106,000	.000137
35-39	877	1	18	858	6,998,000	.000123
40-44	691	0	19	672	5,639,000	.000119
45-49	463	0	7	456	4,765,000	.000096
50-54	409	0	8	401	4,758,000	.000084
55-59	333	0	2	331	4,845,000	.000068
60-64	267	0	2	265	4,474,000	.000059
65-69	177	0	2	175	3,643,000	.000048
70-74	124	0	0	124	2,778,000	.000045
75-79	81	0	2	79	1,833,000	.000043
80-84	49	0	2	47	1,013,000	.000057
85+	38	0	0	38	666,000	.000057

Sources:

Persons alive at the beginning of age interval:
Vital statistics of the United States, 1980, Volume II, Section 6, Life tables. PHIS Pub. No. (PHIS)84-1104, National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services, 1984, Table 6-2, p. 12.

Proportion of persons dying from homicide:
1. Number of deaths from homicide--table 702 entitled "Deaths from 282 causes, by 5-year age groups, color and sex: United States, 1979-83," National Center for Health Statistics.
2. Resident population--Estimates of the population of the United States, by age, sex and race: 1980 to 1983, Current Population Reports, Series P-25, No. 949, Bureau of the Census, U.S. Department of Commerce, table 2, pp. 13 and 14.

Black male: Lifetime risk of homicide

Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide
0-1	100,000	.000128	13	30-31	92,982	.000985	92	60-61	84,569	.000456	29
1-2	97,665	.000069	7	31-32	92,595	.000985	91	61-62	82,668	.000456	29
2-3	97,530	.000069	7	32-33	92,193	.000985	91	62-63	80,702	.000456	28
3-4	97,418	.000069	7	33-34	91,774	.000985	90	63-64	58,680	.000456	27
4-5	97,324	.000069	7	34-35	91,338	.000985	90	64-65	56,610	.000456	26
5-6	97,246	.000022	2	35-36	90,883	.000840	76	65-66	54,501	.000306	17
6-7	97,181	.000022	2	36-37	90,408	.000840	76	66-67	52,359	.000306	16
7-8	97,126	.000022	2	37-38	89,910	.000840	75	67-68	50,188	.000306	15
8-9	97,079	.000022	2	38-39	89,387	.000840	75	68-69	47,988	.000306	15
9-10	97,039	.000022	2	39-40	88,836	.000840	75	69-70	45,757	.000306	14
10-11	97,004	.000041	4	40-41	88,254	.000760	67	70-71	43,496	.000273	12
11-12	96,972	.000041	4	41-42	87,639	.000760	67	71-72	41,213	.000273	11
12-13	96,938	.000041	4	42-43	86,987	.000760	66	72-73	38,911	.000273	11
13-14	96,899	.000041	4	43-44	86,292	.000760	65	73-74	36,806	.000273	10
14-15	96,849	.000041	4	44-45	85,548	.000760	65	74-75	34,544	.000273	9
15-16	96,783	.000426	41	45-46	84,748	.000617	52	75-76	32,049	.000299	10
16-17	96,701	.000426	41	46-47	83,889	.000617	52	76-77	29,820	.000299	9
17-18	96,600	.000426	41	47-48	82,969	.000617	51	77-78	27,630	.000299	8
18-19	96,474	.000426	41	48-49	81,983	.000617	51	78-79	25,481	.000299	8
19-20	96,318	.000426	41	49-50	80,927	.000617	51	79-80	23,374	.000299	7
20-21	96,127	.000852	82	50-51	79,798	.000547	44	80-81	21,310	.000319	7
21-22	95,898	.000852	82	51-52	78,593	.000547	43	81-82	19,294	.000319	6
22-23	95,633	.000852	81	52-53	77,313	.000547	42	82-83	17,331	.000319	6
23-24	95,340	.000852	81	53-54	75,958	.000547	42	83-84	15,429	.000319	5
24-25	95,030	.000852	81	54-55	74,533	.000547	41	84-85	13,599	.000319	4
25-26	94,712	.000998	95	55-56	73,040	.000501	37	85+	11,853	.000298	4
26-27	94,387	.000998	94	56-57	71,481	.000501	36	Total			3,300
27-28	94,053	.000998	94	57-58	69,856	.000501	35				
28-29	93,709	.000998	94	58-59	68,163	.000501	34				
29-30	93,353	.000998	93	59-60	66,401	.000501	33				

3,300 out of 100,000 = 1 out of 30

1983 deaths from homicide,
legal execution, or legal intervention

Age group	Total	Legal execution	Legal intervention	Homicide	Resident population	Homicide rate
0-1	39	0	0	39	304,000	.000128
1-4	77	0	0	77	1,17,000	.000069
5-9	26	0	0	26	1,03,000	.000022
10-14	54	0	0	54	1,26,000	.000041
15-19	615	0	0	605	1,419,000	.000426
20-24	1255	0	20	1,235	1,450,000	.000852
25-29	1264	0	19	1,245	1,247,000	.000998
30-34	1043	1	17	1,025	1,041,000	.000985
35-39	662	0	11	651	775,000	.000840
40-44	484	0	7	477	628,000	.000760
45-49	332	0	3	329	533,000	.000617
50-54	275	0	6	269	492,000	.000547
55-59	235	0	2	233	465,000	.000501
60-64	190	0	3	187	410,000	.000456
65-69	96	0	0	96	314,000	.000306
70-74	71	0	1	70	256,000	.000273
75-79	51	0	2	49	164,000	.000299
80-84	29	0	0	29	91,000	.000319
85+	17	0	0	17	57,000	.000298

Sources:

Persons alive at the beginning of age interval:
Vital statistics of the United States, 1980, Volume II, Section 6, Life tables. PHHS Pub. No. (PHS)84-1104, National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services, 1984, Table 6-2, p. 12.

Proportion of persons dying from homicide:
 1. Number of deaths from homicide--table 292 entitled "Deaths from 282 causes, by 5-year age groups, color and sex: United States, 1979-83," National Center for Health Statistics.

2. Resident population--Estimates of the population of the United States, by age, sex and race 1980 to 1983, Current Population Reports, Series P-25, No. 949, Bureau of the Census, U.S. Department of Commerce, table 2, pp. 13 and 14.

White female: Lifetime risk of homicide

Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide
0-1	100,000	.000038	4	30-31	97,776	.000035	3	60-61	89,407	.000020	2
1-2	99,031	.000012	1	31-32	97,713	.000035	3	61-62	88,602	.000020	2
2-3	98,966	.000012	1	32-33	97,647	.000035	3	62-63	87,731	.000020	2
3-4	98,915	.000012	1	33-34	97,576	.000035	3	63-64	86,791	.000020	2
4-5	98,873	.000012	1	34-35	97,501	.000035	3	64-65	85,781	.000020	2
5-6	98,838	.000007	1	35-36	97,420	.000034	3	65-66	84,698	.000021	2
6-7	98,808	.000007	1	36-37	97,332	.000034	3	66-67	83,538	.000021	2
7-8	98,782	.000007	1	37-38	97,237	.000034	3	67-68	82,296	.000021	2
8-9	98,758	.000007	1	38-39	97,133	.000034	3	68-69	80,963	.000021	2
9-10	98,737	.000007	1	39-40	97,020	.000034	3	69-70	79,531	.000021	2
10-11	98,719	.000007	1	40-41	96,896	.000035	3	70-71	77,091	.000018	1
11-12	98,702	.000007	1	41-42	96,750	.000035	3	71-72	78,338	.000018	1
12-13	98,686	.000007	1	42-43	96,610	.000035	3	72-73	74,567	.000018	1
13-14	98,667	.000007	1	43-44	96,445	.000035	3	73-74	72,671	.000018	1
14-15	98,643	.000007	1	44-45	96,262	.000035	3	74-75	70,645	.000018	1
15-16	98,611	.000029	3	45-46	96,060	.000033	3	75-76	68,417	.000030	2
16-17	98,569	.000029	3	46-47	95,828	.000033	3	76-77	66,167	.000030	2
17-18	98,519	.000029	3	47-48	95,593	.000033	3	77-78	63,709	.000030	2
18-19	98,463	.000029	3	48-49	95,324	.000033	3	78-79	61,100	.000030	2
19-20	98,404	.000029	3	49-50	95,028	.000033	3	79-80	58,337	.000030	2
20-21	98,346	.000044	4	50-51	94,703	.000025	2	80-81	55,418	.000032	2
21-22	98,289	.000044	4	51-52	94,347	.000025	2	81-82	52,340	.000032	2
22-23	98,232	.000044	4	52-53	93,957	.000025	2	82-83	49,099	.000032	2
23-24	98,175	.000044	4	53-54	93,533	.000025	2	83-84	45,694	.000032	1
24-25	98,119	.000044	4	54-55	93,073	.000025	2	84-85	42,121	.000032	1
25-26	98,063	.000046	5	55-56	92,576	.000024	2	85+	38,376	.000039	1
26-27	98,007	.000046	5	56-57	92,039	.000024	2	Total			202
27-28	97,951	.000046	5	57-58	91,459	.000024	2				
28-29	97,894	.000046	5	58-59	90,830	.000024	2				
29-30	97,836	.000046	5	59-60	90,148	.000024	2				

202/100,000 = 1 out of 495

1983 deaths from homicide,
legal execution, or legal intervention

Age group	Total	Execu- tions	Legal inter- vention	Homicide	Resident population	Homicide rate
0-1	54	0	0	54	1,427,000	.000038
1-4	69	0	0	69	5,570,000	.000012
5-9	43	0	0	43	6,360,000	.000007
10-14	53	0	0	53	7,117,000	.000007
15-19	222	0	0	222	7,735,000	.000029
20-24	392	0	1	391	8,976,000	.000044
25-29	409	0	0	409	8,854,000	.000046
30-34	280	0	0	280	8,073,000	.000035
35-39	240	0	0	350	7,059,000	.000034
40-44	203	0	0	203	5,757,000	.000035
45-49	164	0	1	163	4,931,000	.000033
50-54	128	0	0	128	5,029,000	.000025
55-59	128	0	0	128	5,346,000	.000024
60-64	106	0	1	105	5,153,000	.000020
65-69	94	0	0	94	4,848,000	.000021
70-74	70	0	0	70	3,834,000	.000018
75-79	88	0	0	88	2,930,000	.000030
80-84	62	0	0	62	1,757,000	.000032
85+	63	0	0	63	1,604,000	.000039

Sources:

Persons alive at the beginning of age interval:

Vital statistics of the United States, 1980, Volume II, Section 6, Life tables. PHHS Pub. No. (PHS)84-1104, National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services, 1984, Table 6-2, p. 12.

Proportion of persons dying from homicide:

1. Number of deaths from homicide--table 292 entitled "Deaths from 282 causes, by 5-year age groups, color and sex: United States, 1979-83," National Center for Health Statistics.

2. Resident population--Estimates of the population of the United States, by age, sex and race: 1980 to 1983, Current Population Reports, Series P-25, No. 949, Bureau of the Census, U.S. Department of Commerce, table 2, pp. 13 and 14.

Black female: Lifetime risk of homicide

Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide	Age	Number living	Homicide rate	Estimated number dying from homicide
0-1	100,000	.000142	14	10-31	96,095	.000191	18	60-61	79,933	.000044	4
1-2	98,051	.000059	6	31-32	95,949	.000191	18	61-62	78,649	.000044	3
2-3	97,945	.000059	6	32-33	95,795	.000191	18	62-63	77,286	.000044	3
3-4	97,857	.000059	6	33-34	95,633	.000191	18	63-64	75,854	.000044	3
4-5	97,786	.000059	6	34-35	95,460	.000191	18	64-65	74,363	.000044	3
5-6	97,728	.000014	1	35-36	95,274	.000162	15	65-66	72,817	.000088	6
6-7	97,682	.000014	1	36-37	95,074	.000162	15	66-67	71,221	.000088	6
7-8	97,645	.000014	1	37-38	95,859	.000162	15	67-68	69,569	.000088	6
8-9	97,614	.000014	1	38-39	95,624	.000162	15	68-69	67,845	.000088	6
9-10	97,588	.000014	1	39-40	94,366	.000162	15	69-70	68,027	.000088	6
10-11	97,564	.000015	1	40-41	94,081	.000129	12	70-71	64,099	.000053	3
11-12	97,540	.000015	1	41-42	93,767	.000129	12	71-72	62,054	.000053	3
12-13	97,516	.000015	1	42-43	93,422	.000129	12	72-73	59,901	.000053	3
13-14	97,490	.000015	1	43-44	93,044	.000129	12	73-74	57,660	.000053	3
14-15	97,461	.000015	1	44-45	92,631	.000129	12	74-75	55,358	.000119	6
15-16	97,429	.000106	10	45-46	92,182	.000116	11	75-76	53,015	.000119	6
16-17	97,392	.000106	10	46-47	91,695	.000116	11	76-77	50,640	.000119	6
17-18	97,350	.000106	10	47-48	91,167	.000116	11	77-78	48,230	.000119	6
18-19	97,302	.000106	10	48-49	90,598	.000116	11	78-79	45,776	.000119	6
19-20	97,247	.000106	10	49-50	89,987	.000116	10	79-80	43,268	.000119	6
20-21	97,183	.000202	20	50-51	89,333	.000075	7	80-81	40,700	.000088	4
21-22	97,111	.000202	20	51-52	88,635	.000075	7	81-82	38,070	.000088	3
22-23	97,030	.000202	20	52-53	87,890	.000075	7	82-83	35,382	.000088	3
23-24	96,940	.000202	20	53-54	87,096	.000075	6	83-84	32,645	.000088	3
24-25	96,842	.000202	20	54-55	86,250	.000075	6	84-85	29,876	.000088	3
25-26	96,736	.000205	20	55-56	85,342	.000081	7	85+	27,097	.000094	3
26-27	96,622	.000205	20	56-57	84,390	.000081	7	Total			758
27-28	96,500	.000205	20	57-58	83,374	.000081	7				
28-29	96,371	.000205	20	58-59	82,296	.000081	7				
29-30	96,236	.000205	20	59-60	81,152	.000081	7				

758 out of 100,000 = 1 out of 132

1983 deaths from homicide,
legal execution, or legal intervention

Age group	Total	Executions	Legal intervention	Homicide	Resident population	Homicide rate
0-1	42	0	0	42	296,300	.000142
1-4	65	0	0	65	1,099,000	.000059
5-9	17	0	0	17	1,182,000	.000014
10-14	19	0	0	19	1,306,000	.000015
15-19	150	0	0	150	1,412,000	.000106
20-24	306	0	1	305	1,511,000	.000202
25-29	233	0	0	283	1,383,000	.000205
30-34	231	0	3	228	1,196,000	.000191
35-39	150	0	1	149	920,000	.000162
40-44	98	0	0	93	762,000	.000129
45-49	76	0	0	76	653,000	.000116
50-54	46	0	0	46	616,000	.000075
55-59	48	0	0	48	595,000	.000081
60-64	23	0	0	23	525,000	.000044
65-69	38	0	0	38	432,000	.000088
70-74	20	0	0	20	376,000	.000053
75-79	31	0	0	31	260,000	.000119
80-84	14	0	0	14	160,000	.000088
85+	11	0	0	11	117,000	.000094

Sources:

Persons alive at the beginning of age interval:

Vital statistics of the United States, 1980, Volume II, Section 6, Life tables. PHHS Pub. No. (PHS)84-1104, National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services, 1984, Table 6-2, p. 12.

Proportion of persons dying from homicide:

1. Number of deaths from homicide--table 292 entitled "Deaths from 282 causes, by 5-year age groups, color and sex: United States, 1979-83," National Center for Health Statistics.

2. Resident population--Estimates of the population of the United States, by age, sex and race: 1980 to 1983, Current Population Reports, Series P-25, No. 949, Bureau of the Census, U.S. Department of Commerce, table 2, pp. 1 and 14.

Homicide is one of the 15 most frequent causes of death

Number of deaths in 1983

All ages	1-14	15-24	25-34
760,132 Heart disease	8,537 Accidents	26,206 Accidents	17,161 Accidents
416,368 Malignant neoplasms	2,070 Malignant neoplasms	6,647 Homicide	7,267 Homicide
170,052 Cerebrovascular disease	1,587 Congenital anomalies	5,239 Suicide	5,920 Suicide
104,449 Accidents	734 Homicide	2,683 Malignant neoplasms	5,081 Malignant neoplasms
55,987 Bronchitis, asthma, and emphysema	668 Heart disease	1,223 Heart diseases	3,080 Heart disease
53,592 Pneumonia and influenza	461 Pneumonia and influenza	600 Congenital anomalies	1,292 Liver disease and cirrhosis
34,842 Diabetes	271 Meningitis	418 Cerebrovascular disease	965 Cerebrovascular disease
30,535 Liver diseases and cirrhosis	154 Cerebrovascular diseases	348 Pneumonia and influenza	572 Diabetes
29,441 Atherosclerosis	144 Meningococcal infection	141 Bronchitis, asthma, and emphysema	563 Pneumonia and influenza
26,852 Suicide	142 Suicide	133 Anemias	482 Congenital anomalies
23,992 Homicide	142 Anemias	130 Benign neoplasms	246 Nephritis and nephrosis
16,525 Nephritis and nephrosis	142 Benign neoplasms	128 Diabetes	202 Bronchitis, asthma, and emphysema
9,193 Septicemia	132 Bronchitis, asthma, and emphysema	122 Liver diseases and cirrhosis	135 Benign neoplasms
7,821 Hypertension	109 Septicemia	114 Complications of pregnancy	160 Complications of pregnancy
6,126 Benign neoplasms	96 Perinatal conditions	111 Nephritis and nephrosis	157 Anemias
197,840 Other causes	3,484 Other causes	4,784 Other causes	6,897 Other causes
1,943,747 Total deaths	18,876 Total deaths	49,027 Total deaths	50,240 Total deaths

Number of deaths in 1983

35-44	45-54	55-64	65 and over
12,470 Malignant neoplasms	41,078 Heart disease	107,244 Heart disease	595,406 Heart disease
71,433 Heart disease	41,030 Malignant neoplasms	94,645 Malignant neoplasms	258,389 Malignant neoplasms
9,561 Accidents	8,887 Accidents	14,159 Cerebrovascular disease	146,417 Cerebrovascular disease
3,935 Suicide	7,050 Liver disease and cirrhosis	9,277 Bronchitis, asthma, and emphysema	45,512 Pneumonia and influenza
3,869 Homicide	5,750 Cerebrovascular disease	9,253 Accidents	43,587 Bronchitis, asthma, and emphysema
3,490 Liver disease and cirrhosis	3,623 Suicide	9,039 Liver disease and cirrhosis	28,081 Atherosclerosis
2,199 Cerebrovascular disease	2,533 Homicide	5,789 Diabetes	25,216 Diabetes
904 Pneumonia and influenza	2,237 Bronchitis, asthma, and emphysema	4,044 Pneumonia and influenza	24,844 Accidents
900 Diabetes	2,188 Diabetes	3,456 Suicide	12,968 Nephritis and nephrosis
411 Bronchitis, asthma and emphysema	1,760 Pneumonia and influenza	1,957 Nephritis and nephrosis	9,519 Liver disease and cirrhosis
362 Nephritis	824 Nephritis and nephrosis	1,527 Homicide	6,843 Septicemia
335 Congenital anomalies	541 Benign neoplasms	1,261 Septicemia	6,241 Hypertension
264 Benign neoplasms	530 Septicemia	1,057 Benign neoplasms	4,612 Stomach ulcers
232 Septicemia	408 Hypertension	1,035 Atherosclerosis	4,537 Suicide
151 Hypertension	390 Congenital anomalies	931 Hypertension	4,332 Anemias
7,912 Other causes	14,33 Other causes	27,507 Other causes	125,344 Other causes
56,418 Total deaths	133,157 Total deaths	292,181 Total deaths	1,341,848* Total deaths

* 1,418 of all deaths in this age group were from homicide.
Source: Fifteen leading causes of death, by age group, 1983.
Homicide surveillance, Center for Disease Control, U.S.
Department of Health and Human Services, November 1986.

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Pages 30-31

What is the likelihood of victimization over an entire lifetime?

At current crime rates, almost everyone will be a victim of crime during his or her lifetime

Lifetime likelihood of victimization, BJS Technical Report, March 1987, NCJ-104274, table 1.

With advancing age, the chance of becoming a victim of a violent crime declines more rapidly than life expectancy

Lifetime likelihood of victimization, BJS Technical Report, NCJ-104274, March 1987, table 3.

Over a span of 20 years, most households will be victimized by burglary or larceny

Lifetime likelihood of victimization, BJS Technical Report, NCJ-104274, March 1987, table 3.

Many households will be victimized more than once in 20 years

Lifetime likelihood of victimization, BJS Technical Report, NCJ-104274, March 1987, table 3.

How do people protect themselves from crime?

About a third of all households have taken at least one measure to prevent crime

Crime prevention measures, BJS Special Report, NCJ-100438, March 1986, tables 1 and 2

Demographic characteristics	Percent of respondents using crime prevention measures of:			
	Burglar alarm	Household member in neighborhood watch	Values engraved with an identifying number	One or more measures
Total	7%	7%	25%	31%
Age of household respondents				
16-19	•	7	36	40
20-24	4	4	30	34
25-34	5	7	29	35
35-49	8	10	29	38
50-64	8	9	23	32
65 and over	6	6	16	23
Ethnic origin				
Non-Hispanic	7	8	26	34
Hispanic	6	5	16	23
Race				
White	6	7	26	33
Black	7	10	23	33
Other	•	•	24	32
Educational attainment				
Elementary school	5	4	12	18
High school	6	6	21	32
College	9	10	32	41
Family income				
Less than \$7,500	5	4	16	22
\$7,500-9,999	5	5	20	26
\$10,000-14,999	4	6	22	28
\$15,000-24,999	5	7	28	35
\$25,000-29,999	7	9	31	40
\$30,000-49,999	8	11	32	41
\$50,000 or more	16	15	35	51
Number of persons in household				
1	7	5	19	26
2-3	7	8	27	35
4-5	7	10	29	38
6 or more	4	7	22	29
Tenure				
Owned	8	10	27	36
Rented	4	4	23	27
Number of units in structure				
1 unit	7	9	27	36
2-3 units	5	5	21	27
4-9 units	5	3	22	27
10 units or more	6	3	17	22
Mobile home	3	5	27	31
Type of locality of residence				
Central city of an SMSA	8	9	24	34
Suburban area of an SMSA	8	8	28	36
Nonmetropolitan area	4	5	23	29

*Estimate based on or about 13 or fewer sample cases is statistically unreliable.
Source: Victimization Risk Supplement to the National Crime Survey, 1984.

Many businesses employ security measures

Crime prevention measures, BJS Special Report, NCJ-100438, March 1986, tables 7 and 8.

One family in five lives in an area with a neighborhood watch program

Crime prevention measures, BJS Special Report, NCJ-100438, March 1986, tables 3 and 4.

How do victims of violent crime protect themselves?

Data used for these analyses were National Crime Survey (NCS) violent crime victimizations, which occurred in the years 1979-85. In some cases, victims reported using more than one type of self-protective action during the course of a violent crime victimization. When a victim reported multiple types of self-protection, only the most assertive type of action—indicated by a higher position in the table stub—was used in the analysis. The comparisons described to the right of the table were developed using ECTA software for log-linear analysis of contingency tables. Unweighted NCS data were utilized. For rape, robbery, and assault comparisons, self-protective actions for each of these crimes were compared to actions taken during all other types of violent crime measured by the NCS. All differences reported are significant at the .05 level.

PJS National Crime Survey, 1979-85.

In all States, citizens may use deadly force if they reasonably believe their life is in danger

Ronald Cruik, ed., Intruder in your home (New York: Stein and Day, 1983).

In some circumstances, citizens may use force or deadly force to protect their surroundings, their belongings, or a third party

Ronald Cruik, ed., Intruder in your home (New York: Stein and Day, 1983).

State laws define the circumstances in which citizens may be justified in using deadly force

BJS update as of December 1986 based on data from Ronald Cruik, ed., Intruder in your home (New York: Stein and Day, 1983).

BJS classified the information in Intruder in your home for tabular presentation. An initial draft of the table and the source material was sent for verification to the Statistical Analysis Center or Criminal Justice Coordinating Council in each State. In many States, our request was referred to other agencies, frequently the Attorney General's office. Changes to the original suggested by respondents were adopted and reverified. Further information about each State's response is available from BJS upon request.

Pages 32-33

What is the relationship between victim and offender?

The victim-offender relationship is not known for most crimes

BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, table 28.

FBI Crime in the United States 1985, July 1986.

People are particularly fearful of being victimized by strangers, but assailants are often well known to their victims

BJS Criminal victimization in U.S., 1985, NCJ-104273, May 1987, table 28.

Strangers commit most violent crimes, especially robbery

	Victimization rate per 1,000 population							
	Robbery		Aggravated assault		Simple assault		Total violent crimes	
	Stranger	Non-stranger	Stranger	Non-stranger	Stranger	Non-stranger	Stranger	Non-stranger
1973	5.78	.96	6.23	3.84	8.74	6.06	21.50	11.06
1974	6.09	1.09	6.78	3.61	8.29	6.15	21.88	11.10
1975	5.75	1.01	6.26	3.35	8.74	6.83	21.39	11.46
1976	5.29	1.17	6.17	3.69	8.90	6.51	26.94	11.63
1977	4.88	1.34	6.28	3.71	9.62	7.18	21.35	12.55
1978	4.54	1.36	6.24	3.45	9.76	7.40	21.24	12.48
1979	5.05	1.27	6.31	3.61	10.22	7.07	22.23	12.31
1980	5.44	1.	6.02	3.24	9.20	7.30	21.33	11.92
1981	6.28	1.13	6.51	3.13	10.13	7.20	23.49	11.84
1982	5.8	1.3	5.9	3.4	9.6	7.5	21.8	12.5
1983	4.7	1.3	4.6	3.3	8.5	7.7	18.4	12.6
1984	4.3	1.5	4.8	4.0	7.6	8.0	17.2	13.8
1985	4.0	1.1	5.1	3.1	8.8	7.2	18.3	11.7

Source: BJS National Crime Survey 1973-85.

The victim-offender relationship is not the same for all crimes

	Relationship to offenders		Relationship to offenders	
	Rate	Percent	Rate	Percent
Stranger	4.43	74.7%	13.53	50.6%
Acquaintance	1.01	17.0	9.38	35.1
Relative	.25	4.2	2.75	10.3
Unknown	.24	4.0	1.07	4.0
Total	5.93	100	26.73	100

Source: Violent crime by strangers and nonstrangers, BJS Special Report, NCJ-103702, January 1987, table 1.

Males and the elderly face the greatest risk of being victimized by a stranger

Violent crime by strangers and nonstrangers, BJS Special Report, NCJ-103702, January 1987, tables 1 and 2.

Characteristics of crimes by strangers tend to differ from those by nonstrangers

Violent crime by strangers and nonstrangers, BJS Special Report, NCJ-103702, January 1987, table 2.

BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, table 29.

Some family crimes are difficult to measure

Family violence, BJS Special Report, NCJ-93449, April 1984, tables 2 and 3.

Strauss, Gelles, and Steinmetz, Behind closed doors: Violence in the American family (New York: Author, Press/Doubleday, 1980).

News release, American Association for Protecting Children, a division of the American Humane Society (Denver: November 8, 1985).

Which family members commit the most violent crimes?

Family violence, BJS Special Report, NCJ-93449, April 1984, tables 2 and 3.

Divorced or separated women are more likely than married women to report being victims of violent crime by a nonstranger

Violent crime by strangers and nonstrangers, BJS Special Report, NCJ-103702, January 1987.

What is the racial composition of victim-offender relationships?

BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, tables 37 and 38.

Violent crime by strangers and nonstrangers, BJS Special Report, NCJ-103702, January 1987, p. 4.

Pages 34-35

Most crimes are not reported to the police

Only about a third of all crimes are reported to the police

Percent of all crimes that are reported to police

Year	All crimes	Total larceny	Burglary	Motor vehicle theft	Crimes of violence
1973	32.37%	23.01%	46.62%	68.33%	45.51%
1974	33.46	24.80	47.66	67.34	46.85
1975	34.89	26.55	48.59	71.12	47.18
1976	34.95	26.74	48.15	69.46	48.80
1977	33.51	25.04	48.79	68.45	46.13
1978	32.59	24.57	47.08	66.05	44.21
1979	32.75	24.45	47.56	68.20	45.05
1980	35.80	27.12	51.28	69.34	47.14
1981	35.45	26.54	51.07	66.64	46.57
1982	36.1	27.1	49.3	72.4	48.2
1983	34.6	26.1	48.7	68.5	47.2
1984	35.1	26.5	49.4	68.8	46.6
1985	35.8	27.2	49.7	70.6	47.9

Source: BJS Criminal victimization in the U.S., 1973 to 1985, table 87.

The decision to report a crime is often based on its seriousness

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 5, p. 4.

Reporting rates for motor vehicle theft were higher than for burglary and for household larceny

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 1 and p. 11.

The highest income group was more likely than the lowest income group to report household crimes

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 5, p. 4.

Thefts resulting in large losses and serious violent crimes with injury are most likely to be reported to the police

	Percent reported to the police
Motor vehicle theft involving loss of \$250 or more	88%
Robbery with injury and loss of \$250 or more	76
All crimes involving losses of \$250 or more	73
Purse snatching with loss of \$250 or more	70
Theft of \$250 or more	66
Aggravated assault with injury	59
Completed rape	55
Attempted assault with weapon	53
Completed forcible entry burglary	49
Simple assault with injury	47
Completed robbery with loss of \$10-\$49	46
Attempted assault without weapon	38
Theft of \$50-\$249	35
Theft of \$10-\$49	13
Theft of \$1-\$9	7

Source: Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, p. 4.

Someone other than the victim may report a crime to police

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 6, p. 4.

Homeowners were more likely than renters to report household crimes

BJS Criminal victimization in the U.S., 1985, NCJ-104273, May 1987, table 94.

Less than half of all violent crimes were reported to police during the years 1982-84

Violent crime by strangers and nonstrangers, BJS Special Report, NCJ-103702, January 1987, table 9.

Many violent crimes were unreported because they were "private matters," and many crimes of theft were "not important enough to report"

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 12.

Many violent crimes are reported to prevent the crimes from happening again, while many crimes of theft are reported because of a desire to recover property

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 14.

Pages 36-37

Compensation for crime victims is becoming more available

Victim compensation programs are still relatively new

BJS Victim/witness legislation: An overview, NCS-94365, July 1984.

Most State victim compensation programs help to recover medical costs and lost earnings

BJS Victim/witness legislation: An overview, NCJ-94365, July 1984.

In 1985, \$80.8 million was paid to victims of crime by State compensation programs

Office for Victims of Crime, 1985.

Restitution programs may pay victims for other losses, such as property damage

BJS Victim/witness legislation: An overview, NCJ-94365, July 1984.

Many States restrict offenders from profiting from their crimes

BJS Victim/witness legislation: An overview, NCJ-94365, July 1984.

Legislation strengthens the rights of victims and witnesses

BJS Victim/witness legislation: An overview, NCJ-94365, July 1984.

44 States, the District of Columbia, and the Virgin Islands have compensation programs to help victims of violent crime

BJS 1987 update of Victim/witness legislation: An overview, BJS July 1984 with assistance from the National Organization for Victim Assistance.

Chapter III

The offender

Pages 40-41

Who commits crime?

How many criminals do we know about?

Office of Technology Assessment, Congress of the United States.

FBI Crime in the United States 1983. Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985.

Probation and parole 1983, BJS Bulletin, NCJ-94776, September 1984.

Prisoners in 1983, BJS Bulletin, NCJ-92949, April 1984.

Which criminals do we know the most about?

Murder/manslaughter--Includes attempts.

Assault--Includes simple and aggravated assault.

Other violent crimes--Includes kidnaping, purse snatching, hit-and-run driving, and child abuse.

Other property crimes--Includes arson, vandalism, and stolen property offenses.

Public order--Includes weapons offenses, commercialized vice, sex offenses, gambling, suspicion, curfew and loitering law violations, runaways, offenses against family, drunkenness, vagrancy, family-related offenses, delinquency of a minor and habitual offenders.

Driving while intoxicated--Includes driving while intoxicated and under the influence of drugs.

Sources: FBI Crime in the United States 1985, table 24, p. 164. Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, table 5, p. 4. BJS Survey of Prison Inmates 1979, unpublished data.

What do the major sources tell us about who commits crime?

See, for example, Michael J. Hindelang, "Race and involvement in common law personal crimes," American Sociological Review, (1980), 43:93-109; M. J. Hindelang, "Variations in sex-race-age specific incidence rates of offending," American Sociological Review, (1981), 46:461-474; Alfred Blumstein, "On the racial disproportionality of United States' prison populations," Journal of Criminal Law and Criminology, (1982), 73:1,259-1,281; Patrick A. Langan, "Racism on trial: New evidence to explain the racial composition of prisons in the United States," Journal of Criminal Law and Criminology, 1985, volume 76, number 3.

Who is the "typical" offender?

FBI Crime in the United States 1985, table 33, p. 174, and table 34, p. 176.

What are the characteristics of arrestees and offenders in jails and prisons?

Statistical abstract of the United States 1981. FBI Crime in the United States 1983. Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, table 2, p. 2. BJS Survey of Inmates of Local Jails 1983, unpublished data. Prisoners in State and Federal institutions yearend 1983, unpublished data.

Pages 42-43

What is the relationship between age and crime?**Serious crime arrest rates are highest in young age groups**

Age-specific arrest rates, U.S., 3-year averages, 1983-85

Age	Violent crime total	Property crime total
12 and under	15.34	232.48
13-14	243.36	2,408.63
15	447.88	3,423.10
16	575.51	3,684.29
17	662.63	3,652.27
18	681.73	3,292.44
19	649.15	2,684.85
20	621.15	2,235.89
21	611.77	1,961.75
22	582.60	1,735.95
23	554.95	1,577.09
24	532.37	1,448.70
25-29	441.27	1,179.85
30-34	315.62	850.63
35-39	224.98	575.76
40-44	165.44	413.52
45-49	117.71	312.94
50-54	79.84	243.57
55-59	50.66	177.92
60-64	33.45	130.21
65+	12.66	65.64
All ages	217.70	837.80

Source: FBI Uniform Crime Reports, 1983-85, unpublished data.

Young people make up the largest proportion of offenders entering the criminal justice system**Cumulative distribution of arrests by age of arrestee**

Offense	Under 18						
	18	18-20	21-24	25-29	30-34	35-39	40+
Total	11.1%	31.4%	49.5%	67.0%	78.9%	86.6%	100%
Index	30.8%	46.5%	61.6%	75.5%	84.3%	90.6%	100%
Violent	15.8	31.2	50.0	68.7	81.1	88.8	100
Property	34.4	50.4	64.8	77.5	86.2	91.4	100

Note: Totals may not add to 100% because of rounding.

Source: FBI Crime in the United States 1985, table 33, pp. 174-175.

Offense	Number of persons arrested					
	Under age 18			18 years of age and older		
	1976	1985	Percent change	1976	1985	Percent change
Total	1,707,646	1,407,261	-17.6%	5,134,923	6,626,020	+29.0%
Murder and non-negligent manslaughter	1,221	1,091	-10.6	11,661	11,745	+0.7
Forcible rape	3,299	3,868	+17.2	15,719	21,566	+37.2
Robbery	33,504	26,820	-19.9	68,867	77,949	+13.2
Aggravated assault	29,672	29,652	-0.1	140,418	180,048	+28.2
Burglary	182,121	113,614	-37.6	172,632	185,091	+7.2
Larceny-theft	346,313	303,675	-12.3	450,144	627,306	+39.4
Motor vehicle theft	53,192	35,037	-34.1	48,348	57,723	+19.4
Arson	6,606	5,482	-17.0	5,580	7,694	+37.9
Violent crime ^a	67,696	61,431	-9.3	236,665	291,308	+23.1
Property crime ^b	588,232	457,808	-22.0	676,704	877,816	+29.7
All other crimes	1,051,718	888,022	-15.6	4,221,554	5,456,896	+29.3

^aViolent crimes include murder, forcible rape, robbery, and aggravated assault.

^bProperty crimes include burglary, larceny-theft, motor vehicle theft, and arson.

Source: FBI Crime in the United States 1985, table 27, p. 168.

Different age groups are arrested and incarcerated for different types of crimes

Crime types	Percent of arrests in age group of:								
	Under 18 ^a	18-20	21-24	25-29	30-34	35-39	40-44	45-49	50+
Violent crimes	8.8%	8.6%	10.0%	10.5%	10.4%	10.1%	9.5%	8.7%	7.3%
Murder/mauslaughter	.07	.15	.16	.17	.17	.18	.18	.17	.20
Rape	.27	.27	.30	.34	.35	.36	.34	.30	.24
Robbery	1.7	1.6	1.3	1.1	1.0	.7	.47	.32	.22
Aggravated assault	2.1	2.2	2.5	2.8	2.9	3.0	3.0	2.8	2.5
Simple assault	4.7	4.3	6.0	6.1	6.1	6.0	5.6	5.1	4.2
Property crimes	41.8%	24.9%	19.4%	18.7%	19.09%	18.4%	16.2%	13.2%	15.8%
Burglary	8.2	5.0	3.25	2.6	2.2	1.7	1.3	1.0	.7
Larceny	22.0	11.8	8.6	8.4	9.0	8.8	8.2	8.2	13.0
Motor vehicle theft	2.5	1.5	.97	.77	.64	.53	.43	.36	.25
Arson	.04	.11	.10	.10	.11	.13	.12	.14	.12
Fraud/forgery/embezzlement	1.5	2.6	3.8	4.4	5.0	5.2	4.8	4.0	2.8
Other property	7.3	3.7	2.7	2.3	2.1	2.0	1.8	1.4	1.1
Drug abuse violations	4.6%	8.3%	9.0%	8.6%	7.4%	5.8%	4.1%	3.0%	2.0%
Public order ^b	32.8%	58.2%	61.7%	62.1%	63.0%	65.7%	69.6%	73.0%	74.8%
Weapons	1.5	1.6	1.5	1.6	1.5	1.5	1.5	1.4	1.3
DWI	1.2	9.6	16.1	17.9	18.7	21.6	22.6	23.4	24.1
Other	30.1	47.0	44.0	42.6	42.8	43.6	45.5	47.2	49.3
Total number	1,762,539	1,468,114	1,966,499	7,803,471	1,226,504	794,079	487,908	310,976	569,459

Note: Percentages may not add to 100 because of rounding.

^a12% of arrestees under 18 were arrested for status offenses.

^bPublic order includes commercialized vice, sex offenses, gambling, offenses against family, liquor laws, drunkenness, disorderly

conduct, vagrancy, suspicion, curfew laws, runaways, and all other offenses (except traffic).

Source: "Total arrest distribution by age, 1985," Crime in the United States 1985, table 33, pp. 174-175.

Incarceration findings—Jail Inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, p. 5.

Prison admissions and releases, 1982, BJS Special Report, NCJ-97995 July 1983, pp. 4-5.

Arrest rate trends vary by age group

Arrests per 100,000 age-eligible population

Year	Ages under 18		Ages 18-20		Ages 21-24		Ages 25-29		Ages 30-34	
	Rate	Percent change	Rate	Percent change	Rate	Percent change	Rate	Percent change	Rate	Percent change
1961	1,586	1.4	8,183	-3.0%	8,167	-7%	6,859	0%	6,473	-1.5%
1962	1,668	5.1	7,725	-5.6	7,757	-5.0	6,632	-3.3	6,295	-2.8
1963	1,880	12.7	7,985	3.4	7,776	-2	6,543	-1.3	6,216	-1.3
1964	2,233	18.8	8,880	11.2	7,863	1.1	6,447	-1.5	6,145	-1.1
1965	2,369	6.1	8,653	-2.6	7,848	2.7	6,305	-2.1	5,976	-2.8
1966	2,485	4.9	8,614	-4	7,425	-2.9	6,057	-3.9	5,689	-4.9
1967	2,779	11.8	9,260	7.5	7,977	-7.4	6,099	-7	5,637	-9
1968	3,117	12.1	10,313	11.4	8,209	2.9	6,067	-5	5,533	-1.9
1969	3,202	2.7	11,074	7.4	8,927	8.7	6,412	5.7	5,695	2.9
1970	3,379	5.5	11,866	7.2	9,512	6.6	6,758	5.4	5,246	4.4
1971	3,609	6.8	11,979	1.0	9,664	1.6	6,980	3.3	6,016	1.2
1972	3,441	-4.7	10,982	-8.3	9,517	-1.5	6,500	-6.9	5,782	-3.9
1973	3,608	4.9	11,287	2.8	9,386	-1.4	6,351	-2.3	5,419	-6.3
1974	4,122	14.3	13,097	16.0	10,387	10.7	7,000	10.2	5,600	3.3
1975	3,897	-5.5	12,966	-1.0	9,961	-4.1	6,857	-2.0	5,406	-3.5
1976	3,930	0.8	13,057	.7	10,446	4.9	7,180	4.7	5,656	4.6
1977	3,836	-2.4	13,041	-.1	10,541	.5	7,356	3.5	5,461	-3.4
1978	3,911	2.0	13,810	5.9	10,967	4.0	7,636	3.8	5,652	3.5
1979	3,811	-2.6	14,390	4.2	11,227	2.4	7,747	1.5	5,561	0
1980	3,662	-3.9	14,718	2.3	11,538	2.8	8,082	4.3	5,849	3.5
1981	3,631	-0.9	15,069	2.4	11,949	3.6	8,663	7.2	6,163	5.4
1982	3,555	-2.1	16,216	7.6	13,221	10.6	9,702	12.0	7,076	14.8
1983	3,215	-9.5	15,038	-7.3	12,748	-3.6	9,596	-1.1	7,074	0
1984	3,162	-1.7	14,553	-3.2	12,847	.8	9,641	.5	7,093	.3
1985	3,335	5.5	15,049	3.4	13,054	1.6	9,847	2.1	7,181	1.2

Arrests per 100,000 age-eligible population

Year	Ages 35-39		Ages 40-44		Ages 45-49		Ages 50 and over		All ages	
	Rate	Percent change	Rate	Percent change	Rate	Percent change	Rate	Percent change	Rate	Percent change
1961	6,321	-1.9%	5,921	-1.9%	5,384	-3.0%	2,594	-2.0%	3,877	-1.3%
1962	6,186	-2.1	5,874	-.8	5,216	-3.1	2,539	-2.1	3,798	-2.0
1963	6,163	-.4	5,877	0	5,153	-1.2	2,511	-1.1	3,860	1.6
1964	5,994	-2.7	5,718	-2.7	4,971	-3.5	2,455	-2.2	3,968	2.8
1965	5,944	-.8	5,634	-1.5	5,010	.8	2,409	-1.9	3,994	.6
1966	5,413	-8.9	5,131	-8.4	4,850	-3.2	2,298	-4.6	3,908	-2.1
1967	5,454	.7	5,250	1.7	4,680	-3.5	2,186	-4.9	4,055	3.8
1968	5,332	-2.2	5,098	-2.9	4,448	-4.9	2,065	-5.5	4,183	3.2
1969	5,467	2.5	5,172	1.4	4,536	2.0	2,053	-.6	4,359	4.2
1970	5,678	3.9	5,273	2.0	4,560	.5	2,050	1	4,577	5.0
1971	5,759	1.4	5,271	0	4,546	-.3	2,011	-.1	4,717	3.1
1972	5,425	-5.8	4,954	-6.0	4,235	-6.8	1,829	-9.0	4,473	-5.2
1973	5,155	-5.0	4,700	-5.1	4,076	-3.7	1,739	-4.9	4,458	-.3
1974	5,206	1.0	4,716	.3	4,002	-1.8	1,629	-6.3	4,847	8.7
1975	5,011	-3.7	4,480	-5.0	3,776	-5.7	1,513	-7.1	4,673	-3.6
1976	5,205	3.9	4,621	3.2	3,824	1.3	1,515	.1	4,804	2.8
1977	5,049	-3.0	4,488	-2.9	3,670	-4.0	1,450	-4.3	4,754	-1.0
1978	4,979	-1.4	4,415	-1.6	3,584	-2.3	1,376	-5.1	4,868	2.4
1979	4,913	-3.3	4,206	-4.7	3,395	-5.3	1,296	-5.8	4,865	-.1
1980	4,749	-1.3	4,074	-3.1	3,291	-3.1	1,237	-4.6	4,881	.3
1981	5,006	5.4	4,176	2.5	3,380	2.7	1,253	1.3	5,033	3.1
1982	5,276	5.4	4,444	6.4	3,490	3.3	1,356	.2	5,371	6.7
1983	5,256	-.8	4,259	-4.2	3,394	-2.7	1,190	-5.3	5,126	-4.6
1984	5,286	.9	4,133	-3.0	3,279	-3.4	1,143	-3.9	5,043	-1.6
1985	5,313	.5	4,103	-0.7	3,155	-3.8	1,088	-4.9	5,113	1.4

Note: Rate per 100,000 inhabitants for each given age group. The U.S. population was adjusted for UCR coverage before the rate was calculated. U.S. population data

are from census publications (current population reports). Arrest data are for total reported arrests in the given age group.

Sources: FBI Uniform Crime Reports, 1961-85, unpublished data.

Average age at arrest varies by type of crime

Average age of arrestees								
Year	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft	Arson
1965	32.56	24.74	23.18	30.42	20.33	21.71	19.12	19.25
1966	32.09	24.82	22.70	29.92	19.93	21.40	18.99	18.48
1967	32.16	24.77	22.44	29.72	19.88	21.45	19.05	19.16
1968	31.27	24.63	21.99	29.47	19.61	21.26	19.04	19.42
1969	30.84	24.54	21.84	29.18	19.71	21.47	19.33	19.85
1970	30.66	24.57	21.80	29.27	19.92	21.69	19.66	20.44
1971	30.33	24.52	21.90	28.96	19.96	21.61	20.14	21.13
1972	29.70	24.76	22.04	28.99	19.93	21.76	20.14	20.50
1973	29.89	25.06	21.85	28.76	19.62	21.96	19.76	20.29
1974	29.82	25.01	21.74	28.52	19.48	21.57	19.73	20.40
1975	29.74	25.52	21.69	28.39	19.59	22.20	19.99	21.07
1976	29.61	25.71	22.05	28.32	19.82	22.63	20.21	21.10
1977	29.72	26.02	22.18	28.27	19.80	22.82	20.30	21.61
1978	29.88	26.43	21.90	28.30	19.84	23.07	20.45	21.98
1979	29.71	26.18	22.20	28.08	20.12	23.36	20.55	21.77
1980	29.32	26.49	22.36	28.20	20.61	23.80	21.09	22.56
1981	29.56	26.78	22.69	28.48	20.98	24.39	21.83	22.94
1982	29.56	26.78	23.05	28.64	21.35	24.93	22.39	24.14
1983	29.77	27.31	23.24	28.75	21.60	25.08	22.66	24.11
1984	29.85	27.84	23.44	28.83	21.90	25.11	22.71	23.87
1985	29.77	27.98	23.57	28.69	21.89	25.20	22.24	23.88

Average age of arrestees								
Year	Forgery and counterfeiting	Fraud	Embezzlement	Stolen property	Weapons	Sex offenses	Drug abuse violations	Gambling
1965	29.38	32.95	32.78	24.37	28.31	28.64	27.18	39.30
1966	28.71	32.70	32.74	23.79	28.38	28.66	25.73	39.50
1967	27.69	31.86	32.21	23.73	28.46	28.49	23.81	40.06
1968	27.67	31.54	31.95	23.30	28.33	28.49	22.43	40.27
1969	27.16	31.09	31.52	23.67	28.51	28.49	22.42	40.64
1970	27.23	31.17	30.74	23.80	28.79	28.35	22.43	40.66
1971	27.29	31.06	30.62	23.62	28.29	28.68	22.38	40.03
1972	27.23	30.80	30.15	23.59	29.10	28.60	22.28	40.47
1973	26.82	30.09	29.62	23.10	28.87	29.24	21.76	30.80
1974	25.98	29.85	29.33	22.80	28.32	27.94	21.75	38.93
1975	26.03	30.36	29.68	23.02	28.09	28.42	22.23	39.19
1976	26.30	30.28	29.05	23.28	28.31	28.82	22.56	38.08
1977	26.42	28.70	28.58	23.10	28.15	29.03	22.82	38.80
1978	26.49	29.41	28.63	23.21	28.04	29.15	22.78	38.30
1979	26.23	30.11	28.53	23.04	27.53	28.98	23.08	38.10
1980	26.49	30.48	28.50	23.53	27.69	29.04	23.84	37.86
1981	27.11	30.32	28.64	24.15	27.95	29.40	24.30	37.85
1982	27.28	30.38	29.41	24.60	28.25	29.70	25.01	37.66
1983	27.69	30.37	29.87	24.82	28.34	29.97	25.63	37.93
1984	27.52	30.42	29.58	24.90	28.00	30.34	25.91	37.69
1985	27.26	30.44	29.12	24.53	27.67	30.27	26.14	37.46

Source: Age specific arrest rates and race-specific arrest rates for selected

offenses 1965-85, FBI Uniform Crime Reporting Program, December 1986.

Many older prison inmates had never been to prison before

Career patterns in crime: BJS Special Report, NCJ-88672, June 1983.

The average age of arrestees for most crimes remained fairly constant from 1965 to 1985

Age-specific arrest rates and race-specific arrest rates for selected offenses 1965-85, FBI Uniform Crime Reporting Program, December 1986, pp. 130-131.

Historically, studies have shown property crimes to be more typical of youths than of older offenders

Cline further called for longitudinal research that examined differences in social class, educational level, and family characteristics. Hugh F. Cline, "Criminal behavior over the life span," in Constancy and change in human development, O. G. Brim, Jr. and J. Kagan, eds. (Cambridge, Mass.: Harvard Univ. Press, 1980), pp. 641-674.

Adults commit more serious crimes than juveniles

Patrick A. Langan and David P. Farrington, "Two-track or one-track justice? Some evidence from an English longitudinal survey," Journal of Criminal Law and Criminology (1983), 74 (2):545.

Using 1980 values, the average value of 34 juvenile crimes was 196 pounds; of 22 young adult crimes, 487 pounds; and of 7 adult crimes, 8,103 pounds. For 4 out of 7 adult crimes, the net was 5,000 pounds, whereas no juvenile crimes had values that high.

Participation in crime declines with age

Criminal careers of habitual felons, Law Enforcement Assistance Administration, U.S. Department of Justice, July 1978.

Examining recidivism, BJS Special Report, NCJ-96501, February 1985, pp. 3-4.

M. A. Peterson et al., Who commits crimes: A survey of prison inmates (Cambridge, Mass: Oelgeschlager, Gunn and Hain, 1981).

Pages 44-45

Repeat offenders are responsible for much of the Nation's crimeWho are career criminals?

John E. Rolph and Jan M. Chaiken, Identifying high-rate serious criminals from official records (Santa Monica, Calif.: The RAND Corporation, R-3422-NIJ, April 1987), pp. 1-7.

A. Blumstein, J. Cohen, J. Roth, and C. Visher (eds.), Criminal careers and "career criminals," volume 1 (Washington: National Academy Press, 1986), pp. 12-19.

A. Inciardi, Careers in crime (Chicago: Rand McNally College Publishing Co., 1975), pp. 5-7.

A few criminals commit many crimes

• In Philadelphia, high-rate offenders made up only 23% of all the offenders but committed 61% of all the crimes.

Marvin E. Wolfgang and Paul E. Tracy, "The 1945 and 1958 birth cohorts: A comparison of the prevalence, incidence, and severity of delinquent behavior." Paper prepared at the Conference on "Public Danger, Dangerous Offenders and the Criminal Justice System," sponsored by Harvard University and the John F. Kennedy School of Government through a grant from the National Institute of Justice (February 11-12, 1982).

Table 6b "Offenders and offenses by delinquent subgroups (cohort 11 males)" gives data showing that chronic recidivists (defined on page 8 as five or more arrests) made up 22.9% of all the male offenders (defined as having a police contact by age 18) and were responsible for 51% of all the offenses (defined as a police contact).

• In Racine, Wisconsin, high-rate offenders made up 24% of all the offenders but were responsible for 63% of all the crimes.

Lyle W. Shannon, Assessing the relationship to adult criminal careers to juvenile careers, final report submitted to National Institute for Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, not dated.

Table 2 in chapter 7 of the report says that 21.7% of the males from the 1955 birth cohort had at least one felony contact with the police through around age 21 (see also chapter 2, page 2 for details on length of followup). Table 3 in chapter 7 says that 5.1% of the 1955 cohort males were chronic offenders (meaning they had 5 or more felony contacts) and these chronic offenders accounted for 63.1% of all contacts. Therefore, chronic offenders made up 24% of all offenders (since $5.1/21.7 = 24\%$) and accounted for 63% of all (felony) contacts.

• In Columbus, Ohio, high-rate offenders made up 34% of all the offenders but committed 68% of all the crimes.

Donna Hamparian, Richard Schuster Simon Dinitz, and John P. Conrad, The violent few (Lexington, Mass.: Lexington Books, 1978), pp. 52-7.

Page 52 of The violent few gives findings from a study of 811 boys and girls born in 1956-58 who were arrested at least once before reaching adulthood. The 811 youths were arrested 3,373 times; 33.6% were chronic recidivists (defined as five or more arrests). As shown below, this information plus the data given in table 4-1 (p. 53) form the basis for the conclusion that 34% of the offenders were high-rate offenders who accounted for 68% of all the offenses.

Other sources:

Dunford and Elliott, "Estimation of probability of arrest per crime," National Youth Survey, 1984, table 7 in Blumstein et al., Criminal careers and "career criminals," vol. 1 (Washington: National Academy Press, 1986), p. 338.

Jan M. Chaiken and Marcia R. Chaiken, Varieties of criminal

behavior (Santa Monica: The RAND Corporation, 1982), p. 44, table A.19, pp. 219-2.

Curbing the repeat offender: A strategy for prosecutors (Washington: Institute for Law and Social Research, 1977), p. 8 and 9.

Recidivism of young parolees, BJS Special Report, NCJ-104916, May 1987, p. 1.

High-rate offenders seldom specialize in one type of crime

Highlights of interim findings and implications, PROMIS Research Project (Washington: Institute for Law and Social Research, 1977), p. 11.

A. Blumstein and J. Cohen, "Estimation of individual crime rates from arrest records," Journal of Criminal Law and Criminology (1979), 70(4):581.

Few repeat offenders are full-time criminals

R. Schmallegger, "World of the career criminal," Human Nature (1979), 2(5):50.

Juvenile delinquency often shadows adult criminal activity

A. Langan and David P. ... "Two-track or one-track justice? Some evidence from an English longitudinal survey," Journal of Criminal Law and Criminology (1983), 74(2): 519-546.

Rudy A. Haapanen and Carl F. Jesness, Early identification of the chronic offender, Department of the Youth Authority, State of California, February 1982, pp. 29-32.

The more serious the juvenile career, the greater the chances of adult criminality

Laura A. Winterfield, Criminal careers of juveniles in New York City (New York: VERA Institute of Justice, 1986) table 15, where "serious" = careers 3 + 4.

Long-term studies show that the more often a person is arrested, the greater the chances of being arrested again

Alfred Blumstein, David P. Farrington, and Soumyo Moitra, "Delinquency careers: Innocents, desisters and persisters," in Michael H. Tonry and Norval Morris, eds., Crime and justice: An annual review of research, volume 6 (Chicago: University of Chicago Press, 1985).

"The impact of prior criminal history on recidivism in Illinois," Research Bulletin #3, Illinois Criminal Justice Information Authority (1986).

The more often an offender is arrested before going to prison, the more likely and the sooner that person will be arrested after his or her release

Recidivism of young parolees, BJS Special Report, NCJ-104916, May 1987, pp. 4 and 5.

Criminal history, age, and drug use are among the best correlates of future criminality

P. Hoffman, "Screening for risk: A revised Salient Factor Score (SFS 81)," Journal of Criminal Justice (1983), 11:539-547.

S. Klein and M. Caggiano, The prevalence, predictability and policy implications of recidivism (Santa Monica, Calif.: The RAND Corporation, August 1986), table 3.9.

After their release from custody, offenders continue to commit crimes and often serious crimes

Donald E. Pryor and Walter F. Smith, "Significant research findings concerning pretrial release," Pretrial issues (Washington: Pretrial Services Resource Center, February 1982).

J. Petersilia, S. Turner, and J. Peterson, Prison versus probation in California (Santa Monica, Calif.: The RAND Corporation, 1986), pp. 15-21.

Examining recidivism, BJS Special Report, NCJ-96501, February 1985, pp. 1-4.

The older the offender at the time of arrest, the longer he is likely to continue his criminal career

A. Blumstein, J. Cohen, J. Roth, and C. Visher (eds.), Criminal careers and "career criminals", vol. 1 (Washington: National Academy Press, 1986), pp. 5, 91-94.

Jacqueline Cohen, "Incapacitation as a strategy for crime control: Possibilities and pitfalls," in vol. 5, Crime and Justice: An Annual Review of Research, M. Tonry and N. Morris, eds. (Chicago: University of Chicago Press, 1983), pp. 62-63.

Despite repeated convictions and incarcerations, many offenders continue to believe they can get away with committing crimes

Jan M. Chaiken and Marcia R. Chaiken, Varieties of criminal behavior (Santa Monica, Calif.: The RAND Corporation, 1982), pp. 172-173.

Motivations for crime range from thrill-seeking to need for money

Criminal careers of habitual felons, Law Enforcement Assistance Administration, U.S. Department of Justice, July 1978.

How do the offense characteristics of men and women differ?

Relatively few offenders are female

FBI Crime in the United States 1985, table 37, p. 181.

BJS Children in custody: 1982/83 Census of Juvenile Detention and Correctional Facilities, NCJ-101686, September 1986, table 2, p. 5.

Jail inmates 1984, BJS Bulletin, NCJ-101094, May 1986.

Prisoners in 1984, BJS Bulletin, NCJ-97118, April 1985.

Offense patterns differ for males and females

BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, p. 5.

FBI Crime in the United States 1984, tables 27 and 37 and p. 161 and 1985, table 37, p. 181.

For UCR Index Crimes, the arrest rate of females is much lower than that of males, but has risen faster

Year	Arrest rate per 100,000 U.S. resident population					
	Male			Female		
	Index crimes	Violent crimes	Property crimes	Index crimes	Violent crimes	Property crimes
1971	1,604	341	1,263	318	36	282
1972	1,514	349	1,165	319	37	282
1973	1,554	364	1,190	336	39	297
1974	1,868	414	1,455	418	45	373
1975	1,841	395	1,446	420	43	377
1976	1,779	384	1,395	414	42	372
1977	1,739	381	1,358	418	42	376
1978	1,790	414	1,375	420	45	376
1979	1,810	416	1,394	415	44	370
1980	1,848	426	1,422	405	45	360
1981	1,843	422	1,420	415	45	370
1982	1,883	437	1,446	438	48	390
1983	1,746	406	1,340	418	46	371
1984	1,684	404	1,281	410	46	364
1985	1,698	395	1,308	435	45	390
Percent increase						
1971-85	5.9%	14.4%	3.6%	36.8%	25.0%	28.3%
Percent increase/decrease						
1975-85	-7.8%	-1.3%	-9.5%	3.6%	4.7%	3.4%

Note: The U.S. population was adjusted for UCR coverage before the rate per 100,000 males and females was calculated. U.S. population data are from census publications (current population reports).

Source: FBI Uniform Crime Reports 1971-85, unpublished data.

While all prison populations have been growing dramatically, the women's share has risen from 4% to 5% in the past decade

	Men		Women		Percent of prison population that are women
	Number	Percent change	Number	Percent change	
1974	221,630		8,091		3.5%
1975	244,149	10.1%	9,667	19.5%	3.8
1976	266,830	9.3	11,170	15.5	4.0
1977 custody	279,626	4.8	12,041	7.8	4.1
1977 jurisdiction	287,745		12,279		4.1
1978	294,570	2.4	12,746	3.8	4.2
1979	301,462	2.4	12,955	2.0	4.3
1980	316,401	5.0	13,420	3.3	4.1
1981	354,393	12.0	15,537	15.8	4.2
1982	396,021	11.7	17,785	14.5	4.3
1983	417,835	5.5	19,020	6.9	4.4
1984	443,013	6.0	20,850	8.9	4.5
1985	480,510	8.5	23,091	10.7	4.6

Note: Before 1977, NPS reports were based on the custody population. Beginning in 1977, they were based on the jurisdiction population. Both figures are shown for 1977 to facilitate year-to-year comparisons.

Sources: BJS Prisoners in State and Federal Institutions on December 31, 1982, August 1984, figures 1 and 10, pp. 1 and 7. Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986, table 5. 1982-85 National Prisoner Statistics, unpublished data on prisoners in 1983 and 1985.

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A relatively large proportion of offenders come from minority groups

The number of black criminals is disproportionately high

FBI Crime in the United States 1985, table 38.

Jail inmates 1984, BJS Bulletin, NCJ-101094, May 1986.

BJS National Prisoner Statistics 1984, unpublished data.

Joan Petersilia, Racial disparities in the criminal justice system, Santa Monica, Calif.: The RAND Corporation, 1983) pp. 34-48.

Prison admissions and releases, 1983, BJS Special Report, NCJ-100532, March 1986, pp. 4-5.

Prison admissions and releases 1983 showed that sentences imposed on blacks convicted of manslaughter, rape, assault and kidnapping were longer than those for whites convicted of the same offenses. Over all offenses, sentences for blacks were 12 months longer than those for whites. However, controlling for the differential effects of various State sentencing practices and offenses, the estimated mean sentence length for blacks was almost 3 months shorter (63.6 months) than the actual sentences for whites (66.3 months).

Victim reports confirm the pattern of arrests by race

Patrick A. Langan, "Racism on trial: New evidence to explain the racial composition of prisons in the United States," Journal of Criminal Law and Criminology (Fall 1985), 76:3.

Langan obtained crime victims' descriptions of their assailants' race from an analysis of 1982 NCS victimization survey data, using only black and white adults.

The lifetime chance of incarceration is six times higher for blacks than for whites

The prevalence of imprisonment, BJS Special Report, NCJ-93657, July 1985, p. 5.

Langan calculated the lifetime prevalence of imprisonment estimates using a statistical model known to demographers as a life table. Data from the 1974 and 1979 Survey of Inmates of State Correctional Facilities and Census of State Correctional Facilities were used to derive two estimates for 1973 and 1979--an inmate survey estimate and an admissions census estimate. Two estimates were used for each year because the number of first admissions to State prisons, which is critical to estimate lifetime prevalence of imprisonment, was not recorded directly. The inmate survey provides an underestimate and the admissions census an overestimate of the lifetime prevalence of imprisonment; the true figure lies somewhere between the two.

Larry Greenfeld, "Measuring the application and use of punishment," paper presented at the American Society of Criminology meeting, November 12, 1981, p. 10.

The proportion of black State prisoners in the South is more consistent with their share of the population than in other regions

Statistical abstract of the United States 1984, BJS National Prisoner Statistics, 1984, unpublished data.

Blacks were more likely than whites to be violent offenders

FBI Crime in the United States 1985, table 38, p. 182.

Prison admissions and releases, 1983, BJS Special Report, NCJ-100582, March 1986, table 1, p. 2 and table 3, p. 3.

The proportion of Hispanics in prisons and jails is greater than in the total U.S. population

Jail inmates 1984, BJS Bulletin, NCJ-101094, May 1986. BJS National Prisoner Statistics 1984, unpublished data.

Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985.

BJS 1983 Survey of Inmates of Local Jails, unpublished data.

FBI Crime in the United States 1985, table 39, p. 186.

BJS Prisoners in State and Federal Institutions on December 31, 1984, unpublished data.

Note: Of the jurisdictions that reported inmate data for the NPS-1 in 1984, 40 reported ethnicity.

Pages 48-49

What are the social and economic characteristics of offenders?

The relationship of an offender's social and economic background to crime has been hotly debated

S. and E. Glueck, Family environment and delinquency (Boston: Houghton Mifflin, 1962).

J. G. Weiss and J. Sederstrom, The prevention of serious delinquency: What to do? National Institute of Juvenile Justice and Delinquency, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1981.

M. Wolfgang, R. Figlio, and T. Sellin, Delinquency in a birth cohort (Chicago: University of Chicago Press, 1972).

A high proportion of offenders grew up in homes with one parent

BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

BJS Survey of Inmates of Local Jails, 1983, unpublished data.

Statistical abstract of the United States 1987, December 1986, p. 48, table 67.

For further reading see--
H. Rankin, "Family context of delinquency," Social Problems (April 1983), 30(4):466-79.

R. Giallombardo, "Female delinquency," in Critical issues in juvenile delinquency, David Shichor and Delos H. Kelly, eds. (Lexington: Heath Lexington Books, 1980).

S. K. Datesman and F. R. Scarpitti, "Female delinquency in broken homes--A reassessment," Criminology (May 1975), 13(1): 33-35.

J. M. Andrew, "Delinquency, sex, and family variables," Social Biology (Summer 1976), 23(2): 168-71.

L. Rosen and K. Neilson, "Broken home and delinquency," in Crime in society, Leonard D. Savitz and Norman Johnston, eds. (New York: John Wiley and Sons, 1978).

L. W. Shannon, Assessing the relationship of adult criminal careers to juvenile careers, National Institute of Justice, 1978.

K. Wilkinson, "Broken family and juvenile delinquency: Scientific explanation or ideology," in Juvenile delinquency: A book of readings, 3rd edition, R. Giallombardo, ed. (New York: John Wiley and Sons, 1976).

K. Wilkinson, "Broken home and delinquent behavior: An alternative interpretation of contradictory findings," in Understanding crime, Travis Hirschi and Michael Gottfredson, eds. (Beverly Hills: Sage Publications, 1980), pp. 21-42.

J. W. C. Johnstone, "Delinquency and the changing American family," in Critical issues in juvenile delinquency, David Shichor and Delos Kelly, eds. (Lexington, Mass.: Heath Lexington Books, 1980).

For a discussion of the relationship between delinquency and one-parent families among juveniles from middle class families, see--

M. Hennessy, P. J. Richards, and R. A. Berk, "Broken homes and middle class delinquency: A reassessment," *Criminology* (February 1978), 15(4):505-28.

P. Richards, R. A. Berk, and B. Forster, *Crime as play: Delinquency in a middle class suburb* (Cambridge, Mass.: Ballinger Publishing Company, 1979).

Many offenders have been victims of childhood abuse

D. O. Lewis et al., "Violent juvenile delinquents; psychiatric, neurological, and abuse factors," *Journal of the American Academy of Child Psychiatry* (1979), 18:307-319.

Ounce of prevention: Toward an understanding of the causes of violence: Preliminary report to the people of California, California Commission on Crime Control and Violence Prevention, 1982.

Chuck Winter, "Victims," film, Chuck Winter, Inc., 1981.

Prison and jail inmates were likely to have relatives who served time

BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

BJS Survey of Inmates of Local Jails, 1983, unpublished data.

Phyllis Jo Baunach, *Mothers in prison* (New Brunswick, N.J.: Transaction, Inc., 1985), p. 24.

Most offenders were not married

Statistical abstract of the United States 1984, December 1983, table 51, p. 43, table 42, p. 44, and table 54, p. 45.

Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, table 2, p. 2.

BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

The level of education reached by jail and prison inmates was far below the national average

Last grade completed	Educational attainment rate		
	1979 inmates	1983 inmates	U.S. total
No school/ kindergarten	15	2	60
1-7 years	104	50	397
8th grade	96	48	376
9-11 years	63	39	2,319
12th grade	8	8	8,579
13-15 years	4	4	5,217
16 or more years	1	1	3,067

Source: BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data. BJS Survey of Inmates of Local Jails, 1983 unpublished data. Educational attainment in the United States: March 1979 and 1978, Current Population Reports, Series P-20, No. 356, U.S. Bureau of the Census, p. 8.

Most inmates have dependent children

BJS Survey of Inmates of Local Jails, 1983, unpublished data.

BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

Educational level was associated with type of offense

Current offense	Percent of inmates who completed high school	
	Jail	Prison
Violent offenses	28%	57%
Property offenses	36	29
Drug offenses	11	10
Public order offenses	22	4
Not available	3	0

Total completing high school 64,430 56,655

Sources: BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data. BJS Survey of Inmates of Local Jails, 1983, unpublished data.

Many offenders were unemployed

	Population			Rates per 100,000 U.S. population	
	U.S. males age 16-64	1983 jail	1979 prison	Jail	Prison
Total	67,860	223,552	274,563	329	405
In labor force	58,268	192,562	231,030	330	396
Employed	54,169	119,103	192,800	220	356
Unemployed	4,099	73,459	38,230	1,792	933
Not in labor force (not looking)	9,592	30,990	42,423	323	442

To get data for males age 16-64 the following calculations were performed.

	Age 65+	Age 16+	Age 16-64 (age 65+ less age 16+)
Total civilian population	9,839	77,699	67,860
In labor force	1,877	60,145	58,268
Employed	1,819	55,988	54,169
Unemployed	58	4,157	4,099
Not in labor force	7,962	17,554	9,592

Sources: Current population report, Population profile of U.S. 1980, U.S. Bureau of the Census, table 272, pp. 1-118 to 1-123. Prisons and prisoners, BJS Bulletin,

NCJ-80697, January 1982. Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, table 3, p. 3.

A high proportion of adult felons lacked steady employment

M. Peterson and A. Bracker, Doing crime: A survey of California prison inmates (Santa Monica, Calif: The RAND Corporation, 1980).

Several studies indicate that the relationship between unemployment and crime is tenuous at best. Cavanagh reviewed theories of the direct and indirect impacts of unemployment and crime. Economic theories posit that people turn to crime as they are unable to support themselves through legal means. Sociological theories suggest that those who are unemployed have little to lose by their involvement in crime. In essence, the costs of crime are reduced. From his review, the author concluded that although theories often assume a relationship, research has not consistently supported this relationship. Moreover, while there is a consensus that economic factors may relate to crime, the nature and extent of this role are limited.

Tropp found that the methodology used to examine these linkages was inadequate. Freidman found that steadily employed males who participated in a subsidized work program in 1972 were arrested less often than those in a control group who were not steadily employed both during and following program participation. However, he was unable to ascertain the relationship between unemployment and crime. Thornberry and Christenson argue that the traditionally assumed notion that unemployment causes crime is misleading, because it ignores the potentially reciprocal causal influence that crime may have on employment. Freeman suggested that stronger evidence shows that criminal sanctions have a greater impact on crime than labor/market factors, and that widely differing crime rates are linked loosely to labor/market conditions.

On the other hand, some studies suggest a positive relationship between unemployment and crime. Sviridoff and Thompson noted that

increases in prison population and in the number of homicides and property crimes vary with the fluctuations of unemployment. Similarly, Long and Witte found that unemployment may increase violent crime, because unemployment reduces the costs of crime and because those who are unemployed may have more family stress and more time for contacts with others in unstructured settings.

For further reading see--

S. K. Long and A. D. Witte, "Current economic trends: Implications for crime and criminal justice," Crime and criminal justice in a declining economy, Kevin N. Wright, ed. (Boston: Oelgeschlager, Gunn and Hain, 1981) pp. 69-143.

L. H. Friedman, "Correlates of crime: Should the relation of unemployment and crime be reconsidered?" in Anatomy of criminal justice: A system overview, 1980, Cleon H. Foust and D. Robert Webster, eds. (Lexington, Mass: Heath Lexington Books, 1980).

R. A. Tropp, "Suggested policy initiatives for employment and crime problems," in Crime and employment issues - A collection of policy relevant monographs, National Institute of Justice, 1978.

T. P. Thornberry and R. L. Christenson, "Unemployment and criminal involvement - An investigation of reciprocal causal structures," American Sociological Review (June 1984), 49(3):398-411.

S. Cavanaugh, "Crime and employment background summary and selected statements" (Washington: Congressional Research Service, 1983).

M. Sviridoff and J. W. Thompson, "Linkages between employment and crime: A qualitative study of Rikers releasees," in Unemployment and crime, National Institute of Justice, U.S. Department of Justice, NCJ-81540, 1982.

Richard B. Freeman, "Crime and unemployment," in Crime and public policy, James Q. Wilson, ed. (San Francisco: Institute for Contemporary Studies, 1983), pp. 89-106.

The proportion of blue-collar workers was higher in prison than in the general population

BJS 1979 Survey of Inmates of State Correctional Facilities, unpublished data. Labor force statistics from The current population survey 1972-81: A data book, volume I, BLS Bulletin #2096, September 1982, p. 646.

Note: The proportion of blue-collar workers was higher in prison than in the general population. Data for occupational categories are presented only for prison inmates and U.S. population who were employed in 1979. The major occupational groups have been combined into four divisions as follows:

- White-collar—professional and managerial, sales and clerical
- Blue-collar—craftsmen and kindred workers; operatives except transport, transport equipment operative, and nonfarm laborers
- Farm workers—farmers and farm managers, farm laborers, and farm foremen
- Service workers—service workers and domestics.

Occupation data are for 192,800 prisoners and 95,825,000 in the general population. For 1% of the prison population, data are not presented because inmates did not report occupation, never worked at all, never worked 2 consecutive weeks, or because data were unavailable.

Few inmates had been working in their customary occupation

Profile of State prison inmates: Sociodemographic findings, BJS Survey of Inmates of State Correctional Facilities, 1974, August 1979, table 45, p. 85.

BJS Survey of Inmates of Local Jails, 1983, unpublished data.

The average inmate was at the poverty level before entering jail

BJS Survey of Inmates of Local Jails, 1983, unpublished data. Statistical abstract of the United States, 1984, 1983, pp. 446-447.

Many inmates had income from nontraditional sources before entering jail

	Total	Number of jail inmates				
		Race			Sex	
		White	Black	Other	Male	Female
Wages	133,568	81,082	49,356	3,130	127,368	6,199
Social Security	10,293	6,814	3,146	323	9,305	988
Welfare	24,990	11,568	12,627	795	20,491	4,498
Unemployment	15,814	9,990	5,951	394	15,327	487
Family	52,146	27,126	23,672	1,348	47,343	4,802
Illegal income	15,991	8,805	6,646	540	14,297	1,694
Educational scholarship	2,730	860	1,708	162	2,529	201
Other	7,809	4,541	2,739	529	7,224	585
Total inmates	223,552	130,118	87,508	5,926	207,783	15,769

Note: Columns do not add to totals because inmates could report more than one source of income.

Source: BJS Survey of Inmates of Local Jails, 1983, unpublished data.

Pages 50-51

Drug and alcohol use is common among offenders

Drug use is far greater among offenders than among nonoffenders

Drug use of the general population

Type of drug	Percent of U.S. population age 12 and older who ever used drugs	Citation in source	
		Page	Table
Any drugs	36.9%	p. 54	14-A
Marijuana	32.5	p. 10	3-A
Cocaine	11.7	p. 14	4-A
Amphetamines ^a	9.2	p. 30	8-A
Barbiturates ^b	6.0	p. 34	9-A
Heroin	1.0	p. 9	2
Inhalants	6.8	p. 18	5-A
Hallucinogens	6.7	p. 22	6-A
PCP	3.4	p. 26	7-A
Tranquilizers	7.7	p. 38	10-A
Analgesics	6.6	p. 42	11-A

^aThe source classification of stimulants is used here.

^bThe source classification of sedatives is used here.

Sources: The National Household Survey on Drug Abuse: Population estimates 1985, National Institute on Drug Abuse, Department of Health and Human Services, DHHS Publ. No. (ADM) 87-1579, 1987.

Drug use of jail and prison inmates

	Jail inmates		Prison inmates	
	Regular use ^a	Ever used	Regular use	Ever used
Cocaine	18%	38%	15%	37%
Amphetamines	19	32	17	37
Heroin	16	22	22	30
Barbiturates	14	27	14	35
Methadone	3	7	3	9
LSD	2	22	8	24
PCP	6	15	6	19
Marijuana	54	72	56	75
Methaqualone (Quaaludes)	...	23	...	...
T's and blues ^b	6	11	...	...

Note: The number of jail inmates represented was 223,553 and the number of prison inmates was 274,564.

... Not available.

^aOnce a week or more for at least a month.

^bIncludes pentazocine and tripeleminamine used together.

Sources: Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, table 12, p. 6. Prisoners and drugs, BJS Bulletin, NCJ-87575, March 1983, table 1, p. 1. BJS Survey of Inmates of Local Jails, 1983, unpublished data. BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

Prison inmates used alcohol more than their counterparts in the general population

Prisoners and alcohol, BJS Bulletin, NCJ-86223, January 1983, pp. 1 and 2.

Alcohol consumption of inmates and the general population

Average ounces of ethanol ^b consumed per day	Percent of—							
	Men				Women			
	All ages		Age 18-34		All ages		Age 18-34	
	In-mates	General	In-mates	General	In-mates	General	In-mates	General
None ^c	17%	25%	18%	14%	34%	10%	35%	25%
Some, less than 1 oz.	36	60	35	69	44	56	42	70
1 oz. or more	47	14	47	17	22	4	23	5

Note: Percentages may not add to totals shown because of rounding.

^aAges for the general population are for 1979 (NIAAA, Alcohol and Health, 1981). Ages (18 and over) for inmates are for the time of admission to prison; 83% of the inmates were admitted in 1976 or later.

^bEthanol is pure alcohol; an ounce is roughly equivalent to 2 12-ounce cans of 9-proof beer,

1-3/4 4-ounce glasses of 26-proof wine, or 2 ounces of 80-proof liquor.

^cDid not drink during the year prior to the current offense or, in the case of the general population, the year prior to interview.

Source: Prisoners and alcohol, BJS Bulletin, NCJ-86223, January 1983, table 1, p. 1.

J. K. Watters, C. Reinerman, and J. Fagan, "Causality, context, and contingency: Relationships between drug abuse and delinquency," Contemporary Drug Problems (fall 1985), 12(3):351-373.

B. T. Greene, "Examination of the relationship between crime and substance use in a drug/alcohol treatment population," International Journal of the Addictions 16(4):627-645.

B. A. Gropper, "Probing the links between drugs and crime," National Institute of Justice, NCJ-96668, February 1985.

Drug users are more involved in money-producing crimes

J. and M. Chaiken, Varieties of criminal behavior: Summary and policy implications (Santa Monica, Calif.: The RAND Corporation, 1982), pp. 176-182.

Prisoners and drugs, BJS Bulletin, NCJ-87575, March 1983.

John C. Ball et al., "The criminality of heroin addicts when addicted and when off opiates," in The drugs-crime connection, J. A. Inciardi, ed. (Beverly Hills, Calif.: Sage Publications, 1981), pp. 39-66.

Jail inmates, 1983, BJS Bulletin, NCJ-99175, November 1985, pp. 6 and 7.

Which comes first—drug use or crime?

S. Gettinger, "Addicts and crime," Police Magazine (1979), 2(6):35.

What is the relationship between increased drug use and crime?

J. C. Ball, J. W. Shaffer, and D. N. Nurco, "Day to day criminality of heroin addicts in Baltimore--A study in the continuity of offense rates," Drug and Alcohol Dependence (1983), 12:119-142.

M. D. Anglin and G. Speckart, Narcotics use and crime: A confirmatory analysis (Los Angeles: UCLA, 1984), unpublished report.

B. Johnson, P. Goldstein, E. Preble, J. Schmeidler, D. Lipton, B. Spunt, and T. Miller, Taking care of business: The economics of crime by heroin abusers, (Lexington, Mass.: Lexington Books, 1985).

Johnson et al. classified drug users according to their frequency of use as follows: daily drug was defined as use of drugs 6 to 7 days a week, regular use as 3 to 5 days per week, and irregular use as 2 days or less per week.

How does drug and alcohol use vary by crime?

Drug use of prison inmates

Offense	Percent of all inmates under the influence of drugs at the time of the offense				
	All inmates	Any drug	Heroin	Cocaine	Marijuana
Total	274,564	32%	9%	5%	17%
Violent	157,742	30	8	4	16
Homicide ^a	48,041	21	4	2	11
Assault	17,216	27	5	2	13
Rape	16,460	22	2	2	15
Robbery	68,324	38	12	6	20
Other violent ^b	7,701	34	6	6	19
Property	85,562	35	8	5	20
Burglary	49,223	40	8	5	24
Forgery or fraud	11,505	25	8	4	11
Larceny	13,018	30	10	6	15
Other property ^c	11,815	30	5	3	18
Drugs	19,420	47	22	9	18
Public order	10,982	19	4	4	14

Drug use of jail inmates

Current offense	Convicted jail inmates	
	Number	Percent who were under the influence at the time of current offense
Total	132,620	26%
Violent	32,112	25
Murder/attempted murder	3,345	30
Manslaughter	1,188	19
Rape/sexual assault	4,017	19
Robbery	11,945	31
Assault	9,609	22
Other violent crimes ^b	2,008	18
Property	51,660	31
Burglary	17,335	39
Auto theft	2,960	33
Fraud/forgery/embezzlement	5,976	20
Larceny	18,001	30
Stolen property	3,676	27
Other property ^c	3,712	23
Drugs	13,181	45
Traffic	5,469	42
Possession	6,830	46
Other drugs	882	48
Public order	34,036	11
Weapons	2,769	21
Obstructing justice	6,856	12
Traffic	3,734	9
Driving while intoxicated ^d	13,406	7
Drunkenness/morals offenses ^e	4,894	13
Other public order ^f	2,377	6
Other ^g	1,008	25
Unavailable	623	...

Sources: Jail inmates, 1983, BJS Bulletin NCJ-99175, November 1985, tables 13 and 15, p. 7. Prisoners and drugs, BJS Bulletin, NCJ-87575, March 1983, table 4, p. 4. Prisoners and alcohol, BJS Bulletin, NCJ-86223, January 1983, tables 3 and 4, pp. 2 and 3.

Drug use among convicted offenders

Current offense	Convicted jail inmates, 1983		Prison inmates, 1979	
	Number	Percent who used drugs	Number	Percent who used drugs
Total	132,620	26%	274,564	32%
Violent	32,112	25	157,742	30
Homicide ^a	3,345	30	48,041	21
Assault	9,609	22	17,216	27
Rape	4,017	19	16,460	22
Robbery	11,945	31	68,324	38
Other violent crimes	2,008	18	7,701	34
Property	51,660	31	85,562	35
Burglary	17,335	39	49,223	40
Auto theft	2,960	33	...	...
Fraud/forgery/embezzlement	5,976	20	11,505	25
Larceny	18,001	30	13,018	30
Other property ^c	7,388	25	11,815	30
Drugs	13,181	45	19,420	47
Public order	34,036	11	10,982	19

Alcohol use among convicted jail and prison inmates just before the current offense

Current offense	Convicted jail inmates, 1983		Prison inmates, 1979	
	Number	Percent who used alcohol	Number	Percent who used alcohol
Total	132,620	48	274,564	47%
Violent	32,112	54	157,742	56
Homicide ^a	3,345	54	48,041	51
Assault	9,609	62	17,216	59
Rape	4,017	52	16,460	57
Robbery	11,945	48	68,324	45
Other violent crimes ^b	2,008	49	7,701	54
Property	51,660	40	85,562	46
Burglary	17,335	44	49,223	51
Auto theft	2,960	51	...	...
Fraud/forgery/embezzlement	5,976	22	11,505	32
Larceny	18,001	37	13,018	39
Other property ^c	7,388	48	11,815	52
Drugs	13,181	29	19,420	27
Public order	34,036	64	10,982	47

Note: Numerical detail may not add to total because of nonresponses (less than 0.5%).

...Not available.

^aIncludes murder, attempted murder, and manslaughter.

^bIncludes kidnapping, purse snatching, hit-and-run driving, and child abuse.

^cIncludes arson, destruction of property, property damage from hit-and-run driving, and trespass.

^dIncludes driving while intoxicated and driving under the influence of drugs.

^eAlso includes vagrancy and common-law offenses.

^fIncludes rioting, habitual offender, family related offenses such as nonsupport or abandonment, invasion of privacy, and contributing to the delinquency of a minor.

^gIncludes juvenile offenses and unspecified offenses.

2 out of 5 prison inmates reported they were under the influence of drugs or were very drunk around the time of the offense

Crime	Total	Heroin		Other drugs (except heroin and marijuana)		Marijuana		Only very drunk		No drug use and not very drunk ^a	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	274,564	23,790	9%	39,158	14%	23,072	8%	25,803	9%	162,741	59%
Violent											
Homicide ^b	48,294	1,954	4	5,560	12	2,305	5	5,299	11	33,175	69
Sexual assault	17,053	393	2	1,654	10	1,515	9	2,968	17	10,523	62
Robbery	68,324	8,349	12	10,906	16	6,458	10	5,699	8	36,912	54
Assault	17,554	929	5	2,262	13	1,175	7	2,231	13	10,957	62
Other violent ^c	6,517	425	7	1,166	18	718	11	715	11	3,492	54
Property											
Burglary	49,687	4,205	9	8,736	18	6,534	13	4,459	9	25,752	52
Larceny	13,018	1,307	10	1,548	12	909	7	855	7	8,399	65
Auto theft	5,138	222	4	673	13	602	12	783	15	2,858	56
Fraud/forgery/ embezzlement	11,894	966	8	1,659	14	275	2	711	6	8,281	70
Other property ^d	5,825	296	5	847	15	548	9	600	10	3,533	61
Drugs ^e	19,420	4,287	22	3,099	16	1,272	7	388	2	10,373	53
Public order	10,982	443	4	895	8	696	6	1,007	9	7,941	72
Unspecified	859	13	2	151	18	65	8	87	10	542	63

Note: Inmates were counted only under the most serious drug or alcohol influence in descending order from heroin influence to being very drunk.

^aIncludes inmates who had used neither drugs nor alcohol as well as those who had been drinking before the current offense.

^bIncludes murder, attempted murder, manslaughter, and vehicular or manslaughter.

^cIncludes kidnaping, purse snatching, and hit-and-run driving with bodily injury.

^dIncludes arson, hit-and-run driving with property damage, stolen property run-in and property damage.

^eIncludes possession/use and trafficking.

Source: BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

How do inmates vary in their drug use?

BJS Survey of Inmates of State Correctional Facilities, 1979, unpublished data.

Jail inmates, 1983, BJS Bulletin, NCJ-99175, November pp. 6-7.

Chapter IV

The response to crime**Section 1. An overview**

Pages 56-61

**More than one agency
has jurisdiction over some
criminal events**

**The response to crime is a complex
process that involves citizens
as well as many agencies, levels, and
branches of government**

Attorney General's Task Force on
Violent Crime--Final Report, U.S.
Department of Justice, August 17,
1981, p. 2.

See basic sources for sources of initial
system description.

Bank robbery: Federal offenses and
offenders, BJS Bulletin, NCJ-94463,
August 1984, p. 3.

**Discretion is exercised throughout
the criminal justice system**

**Differences in local laws,
agencies, resources, standards,
and procedures result in varying
responses in each jurisdiction**

Roscoe Pound, "Discretion,
dispensation and mitigation: The
problem of the individual special
case," New York University Law
Review (1960) 35:925, 926.

Disaggregated data used in Tracking
offenders: White-collar crime, BJS
Special Report, NCJ-102867,
November 1986.

Wayne R. LaFave, Arrest: The
decision to take a suspect into custody
(Boston: Little, Brown & Co., 1964),
pp. 63-184.

Note: Offender-based Transaction
Statistics represent dispositions
received during the year cited. They
do not represent the number of arrests
in a State during that year. Serious
crimes are defined as any offense
punishable by imprisonment for more
than 1 year.

Memorandum of June 21, 1977, from
Mark Moore to James Vorenberg,
"Some abstract notes on the issue of
discretion."

**The response to crime is mainly
a State and local function**

Justice expenditure and employment,
1985, BJS Bulletin, NCJ-104460,
March 1987.

Section 2. Entry into the criminal justice system

Page 62

The system responds directly to a fraction of crime

Most crime is not reported to police

BJS National Crime Survey, 1975-85, and FBI Uniform Crime Reports, 1975-85.

Reporting crimes to the police, BJS Special Report, NCJ-99432, December 1985, table 1 and table 6.

NCS/UCR aggravated assault comparison

In most cases the differences between the National Crime Survey and the Uniform Crime Reports make direct comparisons impossible. In this case the intent was not to compare the series but to make it clear that--

- most crime is not reported
- even those that are reported do not usually result in arrests.

While our intent was not to compare these series, we did try to present the

data in the most comparable way possible. First, only the crime of aggravated assault was presented because it is defined similarly in both series. Aggravated assault, a personal crime, is also not affected by the differences in coverage between NCS and UCR. Several crimes like burglary, which affect both households and businesses, are not suitable for comparison because NCS counts only household crime while UCR includes commercial crimes as well as household crimes.

Another difference between NCS and UCR that plagues direct comparison is the difference between the populations covered. NCS only includes incidents that occurred to persons age 12 and older while UCR has no age limits. To enhance the comparison, the data were standardized for age, so the rates were calculated for over age 12. As the UCR arrest data include arrests by age of arrestee, this adjustment was made in the numerator by subtracting all arrests of persons under age 13 and by dividing by the population over age 12. UCR offense data for aggravated assault contains no victim or offender characteristics so a similar operation could not be performed on the numerator. Based

on the assumption that few offenses involve persons under age 13, we developed the offense rate by dividing by the population age 12 and over. In both instances the standardized UCR rates are slightly higher than the actual UCR rates reported by the FBI.

The comparison of UCR offense rates and arrest rates is also unusual. The arrest rate was used in this presentation because it is a better measure of the workload encountered by the criminal justice system after the case enters the criminal justice system. In most uses, the offense rate is compared to the clearance rate. The UCR program measures clearances as the number of cases in which a criminal offense has resulted in the arrest, citation, or summoning of a person in connection with the offense or in which a criminal offense has been resolved but an arrest is not possible because of exceptional circumstances. Arrests are the number of times police agencies arrest people in connection with criminal offenses during a year. The arrest data are not linked to the offense data in any way. For example, an arrest that is included in the 1980 UCR data may have been for an offense that occurred in 1978. Additionally, one offense may result in the arrests of several people.

		Aggravated assaults							
		National Crime Survey			Uniform Crime Reports				
Year	Preliminary estimates of U.S. population age 13 and over, 1,000s	Victimization rate per 1,000 population age 12 and over	Percent reported	Reported rate	Index offenses		Index arrests		
					Rate per 1,000 population age 13 and over	Number	Rate per 1,000 population age 13 and over	Number	
1975	169,615	9.6	55%	5.3	492,620	2.90	198,903	1.17	
1976	172,563	9.9	58	5.7	500,530	2.90	189,655	1.09	
1977	175,422	10.0	52	5.2	534,350	3.04	218,001	1.24	
1978	178,188	9.7	53	5.1	571,460	3.20	254,182	1.42	
1979	180,788	9.9	51	5.1	629,480	3.48	253,526	1.40	
1980	183,327	9.3	54	5.0	672,650	3.66	255,804	1.39	
1981	185,506	9.6	52	5.0	663,900	3.57	263,580	1.42	
1982	187,713	9.3	58	5.6	669,480	3.56	255,928	1.36	
1983	189,939	8.0	57	4.6	653,290 ^a	3.43	258,148	1.36	
1984	192,189	9.0	55	5.0	685,350 ^b	3.56	228,599	1.18	
1985	194,079	8.3	58	4.8	723,250	3.72	259,575	1.33	

^a 1983 numbers for 1982.

^b 1984 numbers for 1983.

Sources: BJS Criminal victimization in the U.S., 1975 to 1985, October 1986. FBI Crime in the United States, 1975-85. "Estimates of the resident population of the U.S., by age, race, and sex: July 1, 1970 to July 1, 1981," table 2. Preliminary estimates of the population of the

U.S., by age, sex, and race: 1970 to 1985, Series P-25, Bureau of the Census, U.S. Department of Commerce. "Resident population - estimates by age, sex, and race: 1980-1985," table 2, Estimates of the population of the United States by age, sex, and race, 1980-85. Series P-25, Bureau of the Census, U.S. Department of Commerce.

The first contact with the criminal justice system for most citizens is the police dispatcher

Margaret J. Levine and J. Thomas McEwen, Patrol deployment, NCJ-99803, National Institute of Justice, U.S. Department of Justice, September 1985, p. 40.

Law enforcement is one of several police roles

James Q. Wilson, Varieties of police behavior (Catheneum, N.Y.: Atheneum [by permission of Harvard University Press], 1971).

Most crime is not susceptible to a rapid police response

Calling the police: Citizens reporting of serious crime (Washington: Police Executive Research Forum, 1981).

Response time analysis: Executive summary (Kansas City, Mo.: Kansas City Police Department, 1977), pp. 6-8

Today, police officers do not always respond to calls for service

Margaret J. Levine and J. Thomas McEwen, Patrol deployment, NCJ-99803, National Institute of Justice, U.S. Department of Justice, September 1985, pp. 40-42.

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A variety of public agencies provide protection from crime

Law enforcement evolved throughout U.S. history

Herbert G. Locke, "The evolution of contemporary police service," in Local government police management, 2nd edition, Bernard L. Garmire, editor (Washington: International City Management Association, 1982), pp. 13-29.

BJS Justice agencies in the United States, 1986, forthcoming.

Rural policing in the United States developed from the functions of sheriffs

Herbert G. Locke, "The evolution of contemporary police service" in Local government police management, 2nd edition, Bernard L. Garmire, editor (Washington: International City Management Association, 1982).

Erik Beckman, Law enforcement in a democratic society: An introduction (Chicago: Nelson-Hall, 1980).

BJS Justice agencies in the United States, 1986, forthcoming.

Traditionally, the police function has been dominated by local governments

BJS Justice agencies in the United States, 1986, forthcoming.

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987.

Bala Rektor, Federal law enforcement agencies, (1975).

Urbanization and social change have had great impact on policing

Compendium of public employment, Census of Governments, U.S. Bureau of the Census, 1977, p. 33, table 13 (Urban areas=SMSAs)

Compendium of public employment, Census of Governments, U.S. Bureau of the Census, 1982, p. 27, table 12

FBI Uniform Crime Reports, 1971-1984, unpublished data.

Annual average industry and occupation tables, 1983 and 1986, Bureau of Labor Statistics, U.S. Department of Labor, December 1983 and 1986, table 30.

Police employees, 1971-85

Year	Percent of sworn officers who were female
1971	2.1%
1972	2.4
1973	2.7
1974	2.9
1975	3.3
1976	3.6
1977	3.9
1978	4.3
1979	4.7
1980	5.0
1981	5.5
1982	5.9
1983	5.9
1984	6.3
1985	6.8

Source: FBI Uniform Crime Reports, 1971-85.

Professionalism and advanced technology have also transformed policing in the past half century

FBI A study of factors influencing the continuing education of law enforcement officers, LeDoux and Tully, June 1982, p. 17.

O'Leary and Titus, Monograph, vols. I and II, National Association of State Directors of Law Enforcement Training (Columbia: South Carolina Criminal Justice Authority, 1986).

Kent Colton, "Police and computers: Use, acceptance and impact of automation," in The Municipal Yearbook, 1972 (Washington: International City Management Association, 1972).

Survey of police operational and administrative practices 1978 (Washington: Police Executive Research Forum, 1978).

Herbert G. Locke, "The evolution of contemporary police service," in Local Government Police Management, 2nd edition, Bernard L. Garmire, editor (Washington: International City Management Association, 1982).

Number of
commission-approved
or certified
training academies

United States	671
Alabama	9
Alaska	3
Arizona	14
Arkansas	10
California	34
Colorado	15
Connecticut	4
Delaware	5
Florida	44
Georgia	16
Hawaii	not reported
Idaho	4
Illinois	16
Indiana	5
Iowa	3
Kansas	9
Kentucky	3
Louisiana	16
Maine	1
Maryland	15
Massachusetts	17
Michigan	19
Minnesota	22
Mississippi	4
Missouri	13
Montana	1
Nebraska	4
Nevada	4
New Hampshire	1
New Jersey	15
New Mexico	5
New York	varies
North Carolina	76
North Dakota	1
Ohio	78
Oklahoma	5
Oregon	1
Pennsylvania	22
Rhode Island	1
South Carolina	1
South Dakota	1
Tennessee	6
Texas	77
Utah	4
Vermont	4
Virginia	39
Washington	1
West Virginia	1
Wisconsin	21
Wyoming	4

O'Leary and Titus, *Monograph*, vol. 1, National Association of State Directors of Law Enforcement Training (Columbia: South Carolina Criminal Justice Authority, 1986).

Increased civilian employment has
also changed police agencies

Year	Percent of police employees that are civilians
1971	13.9%
1972	14.1
1973	12.6
1974	15.8
1975	17.1
1976	17.3
1977	18.7
1978	19.3
1979	19.7
1980	20.2
1981	20.7
1982	21.6
1983	23.3
1984	23.6
1985	24.0

Source: FBI Uniform
Crime Reports, 1971-85.

Pages 64-65

The demand for law enforcement
service varies among jurisdictions

Most counties have between 1 and 3
police officers per 1,000 residents

The mapping presented here was done with data from the 1982 Compendium of public employment, Census of governments, U.S. Bureau of the Census. The Institute of Criminal Justice and Criminology at the University of Maryland extracted the automated data on police employment that is also published in table 14 of the Compendium. These data were linked to county population and area data for mapping. The public use file is available from the Criminal Justice Data Archive and Information Network at the Inter-university Consortium for Political and Social Research at the University of Michigan.

Police per 1,000 popu- lation	Counties	
	Number	Percent
0 to 1	592	18.8%
1 to 2	2,118	67.6
2 to 3	331	10.5
3 or more	91	2.9
Total	3,132	100.0%

Compendium of public employment,
Census of Governments, U.S. Bureau
of the Census, 1982.

There is no standard level
of police protection

Compendium of public employment,
Census of Governments, U.S. Bureau
of the Census, 1982, table 14.

No single factor determines the
police strength of a given area

Colin Loftin and David McDowall,
"The police, crime, and economic
theory: An assessment," American
Sociological Review (June 1982)
47(3):393-401.

James S. Kakalik and Sorrel Wildhorn,
Aids to decisionmaking in police
patrol, a report prepared for the U.S.
Department of Housing and Urban
Development (Santa Monica, Calif.:
The RAND Corporation, February
1971), p. 50.

Most counties have fewer than 5
police officers per 100 square miles

Police per 1,000 popu- lation	Counties	
	Number	Percent
0 to 5	1,664	53.1%
5 to 10	605	19.3
10 to 15	232	7.4
15 to 20	119	3.8
20 or more	512	16.3
Total	3,132	100.0%

Source: Police Employment-
Compendium of public employment,
Census of Governments, U.S. Bureau
of the Census, 1982, table 14. Area
per county - MIDAS, University of
Michigan.

The mapping presented here was done with data from the Compendium of public employment. The Institute of Criminal Justice and Criminology at the University of Maryland extracted the automated data for police employment data that is also published in table 14 of the Compendium and linked it to county population and area data for mapping. The public use file is available from the Criminal Justice Data Archive and Information Network at the Inter-university Consortium for Political and Social Research at the University of Michigan.

State and local police employment per capita rose by 63% in 25 years**Police employment rate**

	1957	1962	1967	1972	1977	1982
Number of police employed						
U.S. total	270,070	318,086	380,778	487,391	566,701	604,345
Northeast	90,600	100,884	117,560	139,353	148,754	148,666
North Central	72,217	83,869	97,332	121,945	140,116	147,235
South	66,044	80,447	98,859	134,151	168,252	190,165
West	41,209	52,886	67,027	91,942	109,579	118,279
Population in thousands						
U.S. total	171,187	185,738	197,374	209,284	219,160	231,822
Northeast	43,095	45,833	48,106	49,681	49,333	49,304
North Central	49,946	52,583	55,289	57,387	58,303	58,926
South	52,287	57,179	60,771	65,834	71,841	78,439
West	25,859	30,142	33,207	36,382	40,284	45,153

	Rate of police employment by region per 1,000 population						% change in per capita
	1957	1962	1967	1972	1977	1982	1957-82
U.S. total	1.6	1.7	1.9	2.3	2.5	2.6	63%
Northeast	2.1	2.2	2.4	2.8	3.0	3.0	43
Northcentral	1.4	1.6	1.8	2.1	2.4	2.5	79
South	1.3	1.4	1.6	2.0	2.3	2.4	85
West	1.6	1.8	2.0	2.5	2.7	2.6	63

Sources: "Historical statistics on government finances and employment," 1982 Census of Governments, U.S. Bureau of the Census, table 9.

"Estimates of the resident population of States, 1980-84," State population estimates by age and components of change: 1980-84, U.S. Bureau of the Census, table 1, p. 7.

The authority of private security personnel varies among States and localities

Cunningham and Taylor, Crime and prevention in America: A study of private security and law enforcement resources and relationships, Executive Summary (Portland, Oreg.: Chaneller Press, 1985), p. 16.

Many private security firms are licensed or regulated

Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985), pp. 82-84.

Public police are often employed by private security firms

Cunningham and Taylor, Crime and prevention in America: A study of private security and law enforcement resources and relationships, Executive summary (Portland, Oreg.: Chaneller Press, 1985), p. 52.

Private security has continued to outnumber public police since the 1950s

Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985), p. 108.

Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985), p. 122.

Page 66

Private security plays an important role in crime control**Private security continues to grow**

Hess and Wroblewski, Introduction to private security (St. Paul: West Publishing Co., 1982).

Chamberlain, Charles, "A short history of private security," Assets Protection; International Journal of Security and Investigation, July/Aug. 1979, 4 (3).

Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985).

The private security industry protects private concerns against losses from accidents, natural disasters, or crime

Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985).

1.1 million people are estimated to be employed in private security

Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985), p. 113.

Page 67

Most criminal cases are initiated by arrest

11.9 million arrests were reported by law enforcement agencies in 1985

FBI Crime in the United States 1985, table 24, p. 164.

Only one of every five arrests is for a UCR Index offense

	Percent of all arrests
Index Crime arrests	
Larceny theft	11%
Burglary	4
Aggravated assault	3
Robbery	1
Motor vehicle theft	1
Rape, arson, and murder	1
	21%
Drinking arrests	
Driving under the influence	15%
Drunkenness	8
Liquor law violation	5
	28%
Drug abuse arrests	7%

Source: FBI Crime in the United States 1985, table 24, p. 164.

Pages 68-69

For most crimes, no one is apprehended

For every five offenses reported to police...

FBI Uniform Crime Reports, 1984. See chapter 1, page 18 discussion for information about data for mapping.

When is a crime considered solved?

FBI Crime in the United States 1985, p. 154.

Most crimes are not cleared by arrest

FBI Crime in the United States 1985, p. 154.

... there is approximately one arrest

FBI Uniform Crime Reports, 1984. See chapter 1, page 18 discussion for information about the data for mapping.

Serious violent crimes are more likely to be cleared than serious property crimes

FBI Crime in the United States 1985, p. 154.

UCR Index arrest rates for counties tend to follow a pattern similar to crime rates

FBI Uniform Crime reports, 1984. Data from both maps were compared. See chapter 1, page 18 discussion for information about the data for mapping.

Section 3. Prosecution and pretrial services

<p>Pages 71-72</p>	<p>The official accusation in felony cases is a grand jury indictment or a prosecutor's bill of information</p>	<p>Deborah Day Emerson, <u>Grand jury reform: A review of key issues</u>, National Institute of Justice, U.S. Department of Justice, January 1983.</p>
<p>The prosecutor provides the link between the law enforcement and adjudicatory processes</p>	<p>Joan E. Jacoby, <u>The American prosecutor, a search for identity</u> (Lexington, Mass.: Lexington Books, 1980).</p>	<p>The secrecy of the grand jury is a matter of controversy</p>
<p>Prosecution is predominantly a State and local function</p>	<p>The preliminary hearing is used in some jurisdictions to determine probable cause</p>	<p>D. Emerson and N. Ames, <u>The role of the grand jury and the preliminary hearing in pretrial screening</u>, National Institute of Justice, U.S. Department of Justice, May 1984.</p>
<p>BJS Justice agencies in the U.S., 1986, forthcoming (also footnote 1).</p>	<p>D. Emerson and N. Ames, <u>The role of the grand jury and the preliminary hearing in pretrial screening</u>, GPO-01230-2, National Institute of Justice, U.S. Department of Justice, May 1984.</p>	<p>Page 73</p>
<p>Comments from Criminal Division, U.S. Department of Justice.</p>	<p>The grand jury emerged from the American Revolution as the people's protection against oppressive prosecution by the State</p>	<p>Why are some cases rejected or dismissed?</p>
<p>The decision to charge is generally a function of the prosecutor</p>	<p>BJS State court organization 1980, NCJ-76711, table 30.</p>	<p>What are the most common reasons for rejection or dismissal?</p>
<p>William F. McDonald, <u>Police-prosecutor relations in the United States</u> (executive summary), National Institute of Justice, U.S. Department of Justice, July 1982.</p>	<p>Some States do not require a grand jury indictment to initiate prosecutions</p>	<p>Barbara Boland with Ronald Sones, INSLAW, Inc., <u>Prosecution of felony arrests, 1981</u>, BJS, NCJ-101380, September 1986.</p>
<p>Differences in how prosecutors handle felony cases can be seen in 4 jurisdictions</p>	<p>1. The information on the laws of Tennessee derives exclusively from our statutory analysis. No survey instrument was returned from that State.</p>	<p>A prior relationship between victim and defendant is a major cause of witness problems</p>
<p>Barbara Boland with Ronald Sones, INSLAW, Inc., <u>The prosecution of felony arrests, 1981</u>, BJS, 1986.</p>	<p>2. In Massachusetts felonies punishable by 5 years or less in State prison may be prosecuted on the basis of a complaint in the district court. However, if this option is selected instead of prosecuting the case in superior court following an indictment, the defendant may be sentenced to State prison but only to 2 1/2 years in the House of Correction. Capital offenses and felonies punishable by more than 5 years in prison must be prosecuted by indictment.</p>	<p>Kristen Williams, <u>The role of the victim in the prosecution of violent crimes</u> (Washington: Institute for Law and Social Research, Inc., 1978).</p>
<p>Some prosecutors accept almost all cases for prosecution; others screen out many cases</p>	<p>3. The grand jury in Pennsylvania has investigative powers only and does not have the authority to issue indictments.</p>	<p><u>Arrest convictability as a measure of police performance</u>, Final report (Washington: Institute for Law and Social Research, Inc., 1980).</p>
<p>Barbara Boland with Ronald Sones, INSLAW, Inc., <u>Prosecution of felony arrests 1981</u>, BJS, NCJ-101380, September 1986.</p>		<p>Evidence problems are the most common reason for prosecutors to reject cases</p>
<p>Prosecutorial screening practices are of several distinct types</p>		<p>Barbara Boland with Ronald Sones, INSLAW, Inc., <u>Prosecution of felony arrests, 1981</u>, BJS, NCJ-101380, September 1986, table 14, p. 17.</p>
<p>Joan E. Jacoby, <u>The American prosecutor, a search for identity</u> (Lexington, Mass.: Lexington Books, 1980).</p>		
<p>Joan E. Jacoby, <u>Pre-trial screening projects</u>, National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, 1976.</p>		

Guilty pleas on other charges are a major cause of dismissals

Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 15, p. 17.

The Fourth Amendment prohibits unreasonable searches and seizures in the collection of evidence

Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 4, pp. 53-55.

Pages 74-75

The Sixth Amendment of the Constitution provides the accused the right to be assisted by counsel

Who defends indigents?

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, NCJ-94702, October 1986.

Assigned counsel systems continue to dominate defender systems

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, NCJ-94702, October 1986.

Each State adopts its own approach to providing counsel for indigents

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, NCJ-94702, October 1986.

What type of indigent defense delivery system is used by the majority of counties in each State?

State	Predominate defense delivery system in 1987 ^a	Total number of counties in the State	1986 defense system ^b		
			Public defender	Assigned counsel	Contract
Alabama	Assigned counsel	67	6	61	0
Alaska	Public defender	4	4	0	0
Arizona	Contract	14	2	5	7
Arkansas	Assigned counsel	75	12	57	0
California	Public defender	58	49	0	9
Colorado	Public defender	63	63	0	0
Connecticut	Public defender	8	8	0	0
Delaware	Public defender	3	3	0	0
District of Columbia		1	1	0	0
Florida	Public defender	67	67	0	0
Georgia	Assigned counsel	159	19	127	13
Hawaii	Public defender	4	4	0	0
Idaho	Contract	44	14	1	29
Illinois	Public defender	102	74	28	0
Indiana	Public defender	92	44	44	4
Iowa	Assigned counsel	99	15	84	0
Kansas	Assigned counsel	105	6	99	0
Kentucky	Public defender	120	55	28	37
Louisiana	Public defender	64	49	15	0
Maine	Assigned counsel	16	0	16	0
Maryland	Public defender	23	23	0	0
Massachusetts	Public defender	14	12	2	0
Michigan	Assigned counsel	83	5	41	37
Minnesota	Public defender	87	42	45	0
Mississippi	Assigned counsel	82	20	62	0
Missouri	Public defender	114	20	94	0
Montana	Assigned counsel	56	4	37	15
Nebraska	Assigned counsel	93	26	62	5
Nevada	Public defender	17	15	0	2
New Hampshire	Public defender	10	4	6	0
New Jersey	Public defender	21	21	0	0
New Mexico	Public defender	32	16	16	0
New York	Public defender	62	55	7	0
North Carolina	Assigned counsel	100	14	86	0
North Dakota	Contract	53	0	50	3
Ohio	Assigned counsel	88	30	58	0
Oklahoma	Assigned counsel	77	2	66	9
Oregon	Contract	36	13	20	3
Pennsylvania	Public defender	67	67	0	0
Rhode Island	Public defender	5	5	0	0
South Carolina	Public defender	46	39	7	0
South Dakota	Contract	66	2	64	0
Tennessee	Assigned counsel	95	4	83	8
Texas	Assigned counsel	254	2	252	0
Utah	Public defender	29	17	0	12
Vermont	Public defender	14	8	0	6
Virginia	Assigned counsel	104	5	99	0
Washington	Contract	39	6	31	2
West Virginia	Assigned counsel	55	0	55	0
Wisconsin	Public defender	72	47	25	0
Wyoming	Public defender	23	23	0	0
Totals		3,082	1,048 (34%)	1,733 (56%)	201 (6%)

^aThe type of indigent defense delivery system is that used by the majority of counties of each State.

^bNumbers of counties under each system type are weighted estimates based on survey responses.

Source: Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, NCJ-94702, October 1986, updated by the Spangenberg Group, March 1987.

Standards and procedures vary for determining indigency

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, NCJ-94702, September 1986, p. 33.

Organization and funding of indigent defense programs also vary among the States

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, NCJ-94702, September 1986, p. 23.

Case assignments to attorneys representing indigents usually are made within 48 hours of arrest

Criminal defense systems; A national survey, BJS Special Report, NCJ-94630, August 1984, p. 8.

Pages 76-77

Most defendants are eligible for release pending trial

The modern bail reform movement resulted in new release options

"Pretrial program directory," (Washington: National Association of Pretrial Services Agencies, 1986).

Both financial bonds and alternative release options are used today

Citation release—Debra Whitcomb, Bonnie P. Lewin, and Margaret J. Levine, Citation release, National Institute of Justice, U.S. Department of Justice, March 1984.

Bail reform and other factors appear to have increased the number of people being released prior to trial

Wayne Thomas, Bail reform in America (Berkeley, Calif.: University of California Press, 1976).

M.A. Toborg, Pretrial release: A national evaluation of practice and outcomes, National Institute of Justice, U.S. Department of Justice, 1981.

Most unconvicted jail inmates have had bail set

Jail inmates, 1983, BJS Bulletin NCJ-99175, November 1985.

Most defendants are not detained prior to trial

M.A. Toborg, Pretrial release: A national evaluation of practices and outcomes, National Institute of Justice, U.S. Department of Justice, 1981.

K.B. Brosi, A cross-city comparison of felony case processing (Washington: Institute for Law and Social Research, 1979).

Pretrial release and misconduct: Federal offenses and offenders, BJS Special Report, NCJ-96132, January 1985.

How many released defendants fail to appear in court?

Donald E. Pryor and Walter F. Smith, "Significant research findings concerning pretrial release," Pretrial issues (Washington: Pretrial Services Resource Center, February 1982).

How many of those released are rearrested prior to trial?

M.A. Toborg, Pretrial release: A national evaluation of practices and outcomes, National Institute of Justice, U.S. Department of Justice, 1981.

Donald E. Pryor and Walter F. Smith, "Significant research findings concerning pretrial release," Pretrial issues (Washington: Pretrial Services Resource Center, February 1982).

Pretrial release and misconduct: Federal offenses and offenders, BJS Special Report, NCJ-96132, January 1985.

Many States have shown concern about the effect of pretrial release on community safety

Barbara Gottlieb, Public danger as a factor in pretrial release: A comparative analysis of State laws, National Institute of Justice, U.S. Department of Justice, July 1985.

Toborg et al., Public danger as a factor in pretrial release, draft report, February 1986.

Elizabeth Gaynes, Typology of State laws which permit the pretrial release decision (Washington: Pretrial Services Resource Institute, May 1982).

The enactment of State public danger laws does not guarantee their implementation

Toborg et al., Public danger as a factor in pretrial release, draft report, February 1986, pp. 54-55.

About three-fifths of the States have one or more provisions to ensure community safety in pretrial release

Elizabeth Gaynes, Typology of State laws which permit consideration of danger in the pretrial release decision, Pretrial Services Resource Center, 1982, and updated from Public danger as a factor in pretrial release: A comparative analysis of State laws, Barbara Gottlieb, National Institute of Justice, U.S. Department of Justice, July 1985.

Page 78

Most referrals to juvenile court are for property crimes,
but 17% are for status offenses

**Cases involving juveniles are handled
differently than adult cases**

The juvenile court and a separate
process for handling juveniles
resulted from reform movements
of the late 19th century

Linda Szymanski, "Extended age of
juvenile court jurisdiction statutes
analysis" (Pittsburgh: National Center
for Juvenile Justice, March 1987).

Arrest is not the only means of
referring juveniles to the courts

Delinquency in the United States 1983
(Pittsburgh: National Center for
Juvenile Justice, July 1986), p. 10.

For a case involving a juvenile
to proceed to a court adjudication,
the intake unit must file a petition
with the court

Delinquency in the United States 1983
(Pittsburgh: National Center for
Juvenile Justice, July 1986), figure 4.

Relatively few juveniles are detained
prior to court appearance

Delinquency in the United States 1983
(Pittsburgh: National Center for
Juvenile Justice, July 1986), figure 6.

Delinquency in the United States 1983
(Pittsburgh: National Center for
Juvenile Justice, July 1986), table 3.

	Estimated number of referrals	Percent
10.87% <u>Crimes against persons</u>	135,600	
Criminal homicide	1,200	88%
Forcible rape	2,700	1.99
Robbery	23,700	17.47
Aggravated assault	27,400	20.20
Simple assault	80,600	59.43
46.41 <u>Crimes against property</u>	578,600	
Burglary	144,800	25.02%
Larceny	269,700	46.61
Motor vehicle theft	30,900	5.34
Arson	5,400	.93
Vandalism	63,500	10.97
Stolen property offenses	20,000	3.45
Trespassing	44,300	7.55
4.54 <u>Drug law violations</u>	56,600	100%
20.76 <u>Offenses against public order</u>	258,900	
Weapons offenses	15,900	6.14%
Sex offenses	14,800	5.71
Drunkenness	21,700	8.38
Disorderly conduct	38,100	14.71
Contempt, probation, and parole violations	54,800	21.16%
Other	113,600	43.87
17.39 <u>Status offenses</u>	216,900	
Running away	59,900	27.61%
Truancy	35,400	16.32
Curfew violations	9,900	4.56
Ungovernability	61,800	28.49
Liquor violations	49,900	23.00
100% Total	1,246,600	

Source: Delinquency in the United States 1983, National Center
for Juvenile Justice, July 1986, table 1, p. 6.

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Under certain circumstances, juveniles may be tried in criminal courts

Age at which criminal courts gain jurisdiction of young offenders ranges from 16 to 19 years old

Linda A. Szymanski, "Upper age of juvenile court jurisdiction statutes analysis" (Pittsburgh: National Center for Juvenile Justice, March 1987).

12 States authorize prosecutors to file cases in the juvenile or criminal courts at their discretion

Linda A. Szymanski, "Concurrent jurisdiction statutes found in State juvenile codes" (Pittsburgh: National Center for Juvenile Justice, June 1987).

As of 1987, 36 States excluded certain offenses from juvenile court jurisdictions

Linda A. Szymanski, "Statutory exclusion of crimes from juvenile court jurisdictions (Pittsburgh: National Center for Juvenile Justice, February 1987).

48 States, the District of Columbia, and the Federal Government have judicial waiver provisions

Linda A. Szymanski, "Waiver/transfer/certification of juveniles to criminal court: Age restrictions: Crime restrictions" (Pittsburgh: National Center for Juvenile Justice, February 1987).

A small proportion of juvenile cases are referred to criminal court

Donna M. Hamparian et al., Youth in adult courts, (Columbus, Ohio: Academy for Contemporary Problems, 1982).

Ellen Nimick, Linda A. Szymanski, and Howard Snyder, Juvenile court waiver: A study of juvenile court cases transferred to criminal court (Pittsburgh: National Center for Juvenile Justice, April 1986).

Juveniles tried as adults have a very high conviction rate, but most receive sentences of probation or fines

Donna M. Hamparian et al., Youth in adult courts (Columbus, Ohio: Academy for Contemporary Problems, 1982).

"Juveniles in adult court: A review of the Habitual Serious and Violent Juvenile Offender Program sites," working paper, Frances Gragg, American Institutes for Research, October 1986.

Correctional activities for juveniles tried as adults in most States occur within the criminal justice system

Donna Hamparian.

Section 4. Adjudication

Pages 81-82

The courts participate in and supervise the judicial process

Each State has a system of trial and appeals courts

The growth of appeals, BJS Bulletin, NCJ-96381, February 1985.

The U.S. Constitution created the U.S. Supreme Court and authorized the Congress to establish lower courts as needed

Annual report of the director (Washington: Administrative Office of the U.S. Courts, 1985), pp. A-4, A-8, A-16 and A-17

Victims and witnesses are taking a more significant part in the prosecution of felons

Victim/witness legislation: An overview, BJS Bulletin, NCJ-94365, July 1984, pp. 1-34, 38, 40, and 41.

The separate system of justice for juveniles often operates within the existing court organization

BJS State court organization 1980, NCJ-76711, May 1982, table 16.

State courts process a large volume of cases, many of them minor

Case filings in State courts, BJS Bulletin, NCJ-95111, October 1984, tables 1, 3, and 5.

Criminal filings by case type for selected States, CY-1983 or FY-1982-83

State	Percent of felony filings	Number of other filings
Alaska	5%	29,090 ^a
Arizona	5	275,561
Arkansas	13	123,341
California	8	889,348
Connecticut	7	108,495 ^b
D.C.	15	27,076
Florida	32	331,611
Idaho	8	37,742
Illinois	7	598,175
Kentucky	7	206,643
Maine	9	33,885
Michigan	13	235,938
Minnesota	9	118,938 ^a
Missouri	21	62,375
New Hampshire	5	75,757
New Jersey	8	426,336
North Carolina	9	428,396
Oregon	13	124,026
Pennsylvania	14 ^c	499,305
South Dakota	20	13,579 ^{a,d}
Texas	6	1,388,474
Vermont	10	17,714
Washington	10	145,292
Wisconsin	9	140,696 ^e

Note: Includes only States that distinguished felony filings from other criminal filings for all courts with criminal jurisdiction, and that provided data on most or all of the courts' criminal caseload. The definition of felony cases varies from State to State. Felony preliminary hearings are included in the other criminal category.

^aIncludes driving while intoxicated (DWI) cases.

^bType D felony cases were counted as misdemeanors.

^cFelony figure 97% complete.

^dSome misdemeanors included in traffic filings.

^eFifty-four (54) of the 211 municipal courts reported no data.

Source: Case filings in State courts, BJS Bulletin, NCJ-95111, October 1984, table 3.

Pages 83-84

Most cases that are prosecuted result in convictions

Guilty pleas are the most common disposition of a felony case

William R. McDonald, Plea bargaining: Critical issues and common practices, National Institute of Justice, U.S. Department of Justice, July 1985, p. 6.

M. Heumann, Plea bargaining, (Chicago: University of Chicago Press, 1978).

Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, pp. 2-13 and 23.

Many guilty pleas in felony court are to the highest charge filed

Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 21, p. 22.

Some jurisdictions have adopted an anti-plea-bargaining policy

H. Miller et al., Plea bargaining in the U.S., National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, September 1978.

William R. McDonald, Plea bargaining: Critical issues and common practices, National Institute of Justice, U.S. Department of Justice, 1985, p. 6.

Most cases brought by a prosecutor result in a plea of guilty

Disposition of felony arrests filed in court as misdemeanors or felonies

Jurisdiction	Number of cases filed	Percent of cases filed resulting in:				Percent of trials resulting in:	
		diversion or referral	dis-missal	guilty plea	trial	conviction	acquittal
Brighton	1,142	9%	30%	57%	4%	..	..
Chicago	35,528		45	41	14	60%	40%
Cobb County ^a	4,427	10	50	38	2	81	19
Colorado Springs	1,434	14	32	50	4	63	37
Dallas	14,784		20	72	8	77	23
Davenport	1,312		32	60	8	..	..
Denver	3,772		25	68	6	..	..
Des Moines	1,401		21	64	14	76	24
Fort Collins	776	14	19	63	3	60	40
Geneva	1,263		37	58	5	75	25
Golden	1,838	10	29	58	3	80	20
Greeley	630	14	19	66	2	-	-
Lansing	1,358	0	23	68	9	69	31
Los Angeles ^b	49,483		18	82	..	..	..
Manhattan	30,810	-	33	63	4	76	24
Miami	21,413	-	27	70	3	..	..
Minneapolis	2,364	9	18	66	6	76	24
New Orleans	3,659	1	11	73	16	60	40
Philadelphia	13,796	4	33	26	37	70	30
Portland	3,892	5	19	62	15	88	12
Pueblo ^c	339	9	34	56	1	-	-
Rhode Island ^a	5,485		41	55	4	57	43
St. Louis	3,649	1	30	63	7	70	30
Salt Lake City	2,745	6	27	61	6	77	23
San Diego	11,534	4	19	73	4	76	24
Seattle	3,126		13	68	19	75	25
Tallahassee	2,879	6	40	50	4	75	25
Washington, D.C.	8,442	4	40	47	10	70	30
Jurisdiction mean		6%	28%	60%	8%	72%	28%

Note: In jurisdictions in which diversions and referrals are not reported as such, cases diverted or referred are included with dismissals.

.. Data not available.

^a Insufficient data to calculate.

^b Because the police automatically file all felony arrests with the court, cases filed and all arrests are the same.

^b Trial convictions are included with guilty pleas and acquittals with dismissals.

^c Partial counts.

Source: Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 3, p. 6.

Jury trials are a small percentage of cases filed

Data from Seattle, New Orleans, Des Moines, and Minneapolis are estimated. Pueblo provided a partial count.

Barbara Boland and Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 22, p. 26.

The more serious the charge the greater the likelihood of trial

Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 23, p. 27.

18 States and the District of Columbia require a unanimous verdict in all trials

Janet Munsterman, National Center for State Courts, February 1987.

Most cases that go to trial in the felony court result in conviction

Data from Buffalo, Seattle, and New Orleans are estimated.

Barbara Boland with Ronald Sones, INSLAW, Inc., Prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 24, p. 27.

A major reform has been to increase the responsibility of judges for ensuring fairness in plea negotiations

William R. McDonald, Plea bargaining: Critical issues and common practices, National Institute of Justice, U.S. Department of Justice, 1985.

Most felony cases that reach trial are tried before a jury

	Number of postfiling dispositions	Number of trials		
		Total	Jury	Bench
Los Angeles	7,064	922	489	433
Detroit	5,250	983	590	393
Washington	2,441	262	257	5
New Orleans	1,354	255	145	110
Indianapolis	985	206	140	66

K. Brosi, A cross-city comparison of felony case proceeding (Washington: Institute for Law and Social Research, 1979), pp. 48-49.

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The Sixth Amendment guarantees the right of a defendant to a speedy trial

Concern about court delay is not new

"Historical review by John Eckler in 'Lagging justice,' Annals of the American Academy of Political and Social Science, vol. 328, March 1960.

State and Federal laws safeguard the defendant's right to a speedy trial

Felony case-processing time, BJS Special Report, NCJ-101985, August 1986.

Most States have speedy trial restrictions for defendants not in custody

Original data from "Policy brief on court delay," unpublished draft prepared for the National Institute of Justice by Abt Associates and contained in The prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986, table 30, p. 36

Most criminal cases are disposed of in 6 months or less, except in chronically delayed State courts

B. Mahoney et al., Implementing delay reduction and delay prevention: Programs in urban trial courts (Williamsburg, Va.: National Center for State Courts, 1985), p. 12.

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Defendants are entitled to trial by a jury of their peers

Most States have statutory exemptions from jury service

Janet Munsterman, Center for Jury Studies, National Center for State Courts, 1987.

An estimated 15% of American adults have ever been called for jury duty

Janet Munsterman, Center for Jury Studies, National Center for State Courts, 1987.

The maximum period of service required of a juror varies by State

Center for Jury Studies Newsletter, National Center for State Courts, March 1981.

Cases resulting in trials generally take longer than ones that end in dismissals or guilty pleas

Felony case-processing time, BJS Special Report, NCJ-101985, August, 1986.

Jurisdiction	Median time from arrest to disposition for--			
	All dispositions	Dismissals	Guilty pleas	Trials
Manhattan, N.Y.	47 days	65 days	26 days	236 days
New Orleans, La.	56	74	50	101
Portland, Oreg.	65	43	63	90
Greeley, Colo.	75	76	73	-
Salt Lake City, Utah	86	88	73	215
Pueblo, Colo.	102	110	99	-
Los Angeles, Calif.	104	76	104	205
Colorado Springs, Colo.	104	100	104	162
Washington, D.C.	111	97	96	264
Fort Collins, Colo.	118	105	118	304
San Diego, Calif.	126	91	132	181
Golden, Colo.	127	144	116	211
St. Louis, Mo.	127	62	142	221
Brighton, Colo.	131	178	111	259
Rhode Island	181	3	240	394
Jurisdiction mean	104 days	87 days	103 days	219 days

Source: Barbara Boland with Ronald Sones, INSLAW, Inc., The prosecution of felony arrests, 1981, BJS, NCJ-101380, September 1986.

Names of prospective jurors are selected from lists intended to make jury pools representative of the community

Janet Munsterman, National Center
for State Courts, February 1987.

Source lists used to select jurors			Source lists used to select jurors		
	Voters registration and/or drivers license lists	Other		Voters registration and/or drivers license list	Other
Alabama			New Hampshire	Voter registration	
5 counties	Voter registration		New Jersey	Both ^e	
62 counties	Drivers list		New Mexico		
Alaska	Voter registration (drivers licenses used to verify)	Permanent fund and fishing license lists	Statewide	Voter registration	
Arizona	Both		Pilot Project	Both	
Arkansas	Voter registration	Keyman system	13th District		
California	Both ^a		New York		
Colorado	Both	City telephone directory	Statewide	Voter registration required	Multiple lists allowed
Connecticut	Both		16 counties	Voter registration list only	
Delaware	Both		46 counties	Both	
Florida	Voter registration		2 counties	Voter registration	Plus another list (telephone or city directory, etc.)
Georgia			North Carolina	Both ^f	
Statewide	Voter registration	Plus list selected by county	North Dakota		
some counties	Voter registration		Burleigh Co.	Both	
Hawaii	Both		Canyon Co.	Both	Utilities
Idaho	Both	Statute permits multiple lists	Ward Co.	Both	
Illinois	Both ^a		Ohio	Voter registration ^g	
Indiana	Voter registration		Oklahoma	Voter registration ^h	
Iowa	Both	Telephone directory	Oregon		
Kansas			31 counties	Voter registration	
45 counties	Both		3 counties	Voter registration	Property tax rolls
Kentucky			Pennsylvania		
Jefferson	Voter registration	Property tax	Statewide		Multiple lists ^j
Louisville	Voter registration	Property tax	Allegheny Co.	Both	Telephone directory
Louisiana	Voter registration		Lacka-		
Maine	Drivers list ^b		wanna Co.	Bo ⁱ	
Maryland			Bucks Co.	Vr registration (15%)	School census (85%)
Statewide	Voter registration		Deligh Co.	l ers list only	
Worcester Co.			North-		
Massachusetts			ampton Co.	Drivers list only	
Michigan	Voter registration ^c	Both	Shuykill Co.	Drivers list only	
Minnesota		Town census	Rhode Island	Voter registrat	
Hennepin Co.	Both		South Carolina	Voter registration	
Anoka Co.	Both		South Dakota	Voter registration	
Missouri			Texas	Voter registration	
St. Louis Co.	Both		Utah	Voter registration	
Montana	Voter registration		Vermont	Voter registration	
Nebraska	Both ^d		Virginia	Voter registration	
Nevada			Virgin Islands	Both	
Statewide	Voter registration		Washington	Voter registration	
Clark Co.	Drivers list only		West Virginia	Both	Other lists permitted ^k
			Wisconsin		
			Statewide	Voter registration	
			Dane Co.	Drivers list only, alternate to voter list	
			Wyoming		
			Statewide	Voter registration	
			District of Columbia		
			Superior Court	Both	

^a Mandatory.

^b 1981 legislation allows either or but not combined and mandatory.
September 1982.

^c Going to drivers licenses only in 1987.

^d 1985 legislation.

^e Mandatory in 1981 legislation.

^f Legislation effective in 1983.

^g 1983 legislation made both optional.

^h Both in 1987.

ⁱ 1985 legislation permits use of any list.

^j Optional under 1981 legislation.

^k No longer keyman system after July 1, 1986.

Source: National Center for Jury Studies, National
Center for State Courts, September 1986.

Innovations have eased the burden of being a juror

Janet Munsterman, Center for Jury Studies,
National Center for State Courts, 1987.

One-day/one-trial courts

State	County	City	Population	State	County	City	Population
Alaska		Anchorage	174,431	Michigan	Ingham	E. Lansing	275,520
Arizona	Maricopa	Phoenix	1,509,052		Wayne	Detroit	2,337,891
California	Ventura	Ventura	529,174		Marquette	Marquette	74,101
	Riverside	Corona	663,166	Missouri	St. Louis	St. Louis	973,896
	Sonoma	Santa Rosa	299,681	Montana	Lincoln	Libby	17,752
	Marin	San Rafael	222,568	Nevada	Clark	Las Vegas	463,087
	Santa Barbara	Santa Barbara	298,694		Washoe	Reno	193,623
	San Joaquin	San Joaquin	347,342	New Jersey	Camden	Camden	471,650
Colorado	El Paso	Colorado Springs	309,424		Bergen	Hackensack	845,385
	Boulder	Boulder	189,625		Gloucester	Woodbury	199,917
Connecticut ^a	Statewide		3,107,576		Morris	Morristown	407,630
	in September 1986				Middlesex	New Brunswick	595,893
Florida	Alachua	Gainesville	151,348	New York	Dutchess		245,055
	Escambia	Pensacola	233,794	North Carolina	Buncombe	Asheville	160,934
	Okaloosa	Cresfield	109,920		Rutherford	Rutherfordton	53,787
	Walton	Defuniak Spring	21,300		Cleveland		83,435
	Polk	Bartow	321,652		Lincoln	Lincolnton	43,372
	Santa Rosa	Milton	55,988		Mecklenburg	Charlotte	404,270
	Fulton	Atlanta	589,904		Gaston	Gastonia	162,568
Georgia	Ada	Boise	173,036		Forsyth	Winston-Salem	243,683
Illinois	Cook & criminal courts	Suburban division			Guilford	Greensboro	317,154
			5,253,655		Durham	Durham	152,785
		Ottawa	112,033		Wake	Raleigh	301,327
		Geneva	278,405	Pennsylvania	Allegheny	Pittsburgh	1,405,085
		Wheaton	658,835		Bucks	Doylestown	479,211
Iowa	Peoria	Peoria	200,466		Delaware	Media	55,007
	Scott	Davenport	160,022		Montgomery	Norristown	643,521
	Clinton	Clinton	57,122		Philadelphia	Philadelphia	1,688,210
	Cedar		18,635		Tioga		40,973
	Muscatine		40,436		McKean	Smethport	50,635
Kansas	Jackson		22,503		Berks	Reading	312,509
					Westmoreland	Greensburg	
Louisiana	Johnson	Olathe	270,269	Texas	Dallas	Dallas	1,556,390
	Coffey	Garnett	9,370		Harris	Houston	2,409,547
Louisiana	Tangipahoa		80,698		Orange	Orange	83,838
Kentucky	Muhlenberg	Central	32,238	Utah	Salt Lake	Salt Lake City	619,066
Maryland	Montgomery	Rockville	579,053	Virginia	Herry	Martinsville	57,654
	Baltimore City	Baltimore	786,775	Washington	Chelan		45,061
Massachusetts	Essex		633,632		Douglass		22,144
	Middlesex	Cambridge	1,367,034		Snohomish		337,720
	Suffolk	Boston	650,142				
				Total one-day/one-trial ^b		36,662,110	
				United States population (1980)		226,545,805	
				One-day/one-trial			
				Total percent		16.2%	

^aOn a trial basis in Middletown Superior Courts.

^bOne-day/one-trial total does not include Connecticut.

Prepared by Center for Jury Studies, National Center
Court, September 1986. U.S. population is from 1980 Census.

All States and the Federal Government pay trial jurors

	Daily jury fees in State courts	
	Fees	Fees for sworn jurors
Alabama	\$10.00	same
Alaska*	12.50	same
Arizona	12.00	same
Arkansas	5.00	\$20.00
California	\$10.00-\$20.00 (varies by county)	same
Colorado	3.00	6.00
Connecticut	10.00	same
Delaware	15.00	same
District of Columbia	30.00	same
Florida	10.00	same
Georgia	\$20.00-\$25.00 (varies by county)	same
Hawaii	20.00	same
Idaho*	5.00	same
Illinois	\$5.00 (minimum varies by county)	same
Indiana	7.50	17.50
Iowa	10.00	same
Kansas	10.00	same
Kentucky	5.00	same
Louisiana	12.00	same
Maine	20.00	same
Maryland*	15.00 plus expenses	same
Massachusetts	0 1st 3 days	same
	\$50.00 per day after	same
Michigan*	7.50	same
Minnesota	15.00	same
Mississippi	15.00	same
Missouri	6.00	same
Montana	12.00	same
Nebraska	20.00	same
Nevada	9.00	15.00
New Hampshire*	15.00	same
New Jersey	5.00	same
New Mexico	3.35 per hour	same
New York	12.00	same
North Carolina	8.00	same
North Dakota	25.00	same
Ohio	10.00	same
Oklahoma	12.50	same
Oregon	10.00	same
Pennsylvania*	\$9.00 1st 3 days	same
	\$25.00 after	same
Rhode Island	15.00	same
South Carolina	10.00	same
South Dakota	10.00	20.00
Tennessee	10.00	same
Texas	6.00 minimum	same
Utah	14.00 ^a	same
Vermont	30.00	same
Virginia	20.00	same
Washington	10.00	same
West Virginia	15.00	same
Wisconsin*	8.50 ^b	same
Wyoming*	6.00	same

Note: Jury fees in State courts, 1986

Average = approximately \$10/day.

* Half day.

^a City courts pay \$6.00 per day.^b Full day rates vary from \$7 to \$25.

Source: National Center for Jury Studies, National Center for State Courts, 1986.

All States require 12-member juries in capital cases; 6 States permit less than 12-member juries in felony trials

	Number of jurors required for trials		
	Felonies	Misdemeanors	Civil
Alabama	12	12	12
Alaska	12	6	6
Arizona	8	8	8
Arkansas	12	12	12
California	12	12	12
Colorado	12	6	6
Connecticut	6	6	6
Delaware	12	12	12
District of Columbia	12	12	6
Florida	6	6	6
Georgia ^a	12	6	6
Hawaii	12	12	12
Idaho	12	6	6
Illinois	12	12	12
Indiana	12	12	12
Iowa	12	8	8
Kansas	12	12	12
Kentucky	12	12	12
Louisiana	6	6	12
Maine	12	12	8
Maryland	12	12	12
Massachusetts	12	12	12
Michigan	12	12	6
Minnesota ^b	12	12	6
Mississippi	12	6	12
Missouri	12	12	12
Montana	12	12	6
Nebraska	12	12	12
Nevada	12	12	8
New Hampshire	12	12	12
New Jersey	12	12	12 & 6
New Mexico	12	12	12
New York	12	6	6
North Carolina	12	12	12
North Dakota	12	6	9
Ohio	12	8	8
Oklahoma	12	6	6
Oregon ^c	6	6	6
Pennsylvania	12	12	8 & 6
Rhode Island	12	12	12
South Carolina	12	12	12
South Dakota	12	12	12
Tennessee	12	6	6
Texas	12	12	12
Utah	8	8	8
Vermont	12	12	12 & 6
Virginia	12	7	7
Washington	12	12	12
West Virginia	12	12	12
Wisconsin	12	12	12
Wyoming	12	6	12

^a Where damages are greater than \$10,000 in civil court cases, a jury of 12 can be requested.^b A 6-person jury is used for the category of gross misdemeanor.^c Circuit court requires 12-member juries; 6-member juries are used in the lower courts.

Source: National Center for Jury Studies, National Center for State Courts, December 1986.

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How does the criminal justice system deal with the mental health of defendants?

In all State and Federal courts defendants may be found incompetent to stand trial

Ronald Roesch and Stephen L. Golding, Competency to stand trial (Urbana, Ill.: University of Illinois Press, 1980).

A defense of insanity is recognized by all but three States

Ingo Keilitz, "Reforming and researching the insanity defense," draft, May 1985, pp. 18-20.

B. McGraw et al., "The guilty but mentally ill plea and verdict: Current state of the knowledge," Villanova Law Review (1985), 30(1).

One of two definitions governs the insanity defense in most jurisdictions

Ingo Keilitz, "Reforming and researching the insanity defense," draft, May 1985.

B. McGraw et al., "The guilty but mentally ill plea and verdict: Current state of the knowledge," Villanova Law Review (1985), 30(1).

Recently, the Federal Government and Indiana adopted a new test of criminal responsibility

Ingo Keilitz, "Reforming and researching the insanity defense," draft, May 1985.

A plea of insanity entered by the attempted assassin of President Reagan spurred the first comprehensive reform of Federal law governing the insanity defense

Handbook on the Comprehensive Crime Control Act of 1984 and other criminal statutes enacted by the 98th Congress (Washington: U.S. Department of Justice, December 1984).

States vary in many specific ways in their handling of an insanity defense

Handbook on the Comprehensive Crime Control Act of 1984 and other criminal statutes enacted by the 98th Congress (Washington: U.S. Department of Justice December, 1984).

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Criminal case appeals make up close to half the State appellate caseload

Most criminal case appeals are decided in State courts

The growth of appeals: 1973-83 trends, BJS Bulletin, NCJ-96381, February 1985.

Civil and criminal appeals in State courts have grown rapidly in recent years

Civil and criminal appellate court filings, 1973-83 (38 States)

Year	Criminal filings	Civil filings
1973	17,056	21,825
1974	18,574	23,068
1975	22,539	26,392
1976	23,879	29,909
1977	27,406	32,514
1978	26,708	34,152
1979	27,403	36,918
1980	29,949	40,047
1981	32,169	42,930
1982	34,696	44,048
1983	35,338	46,768

Source: The growth of appeals: 1973-83 trends, BJS Bulletin, NCJ-96381, February 1985.

In 1985, 33,360 appeals were filed in the U.S. Courts of Appeals

Federal court management statistics, 1985 (Washington: Administrative Office of the U.S. Courts, 1985), p. 30.

J.W. Howard, Jr., Courts of appeals in the Federal judicial system: A study of the second, fifth and District of Columbia circuits (Princeton: Princeton University Press, 1981), p. 34.

Petitions to the Federal courts by State prisoners claiming they are unlawfully detained are rarely successful

P. H. Robinson, "An empirical study of Federal habeas corpus review of State Court judgments," a study for the Office for Improvements in the Administration of Justice, July 1979, p. 4(a)-4(b).

The number of actions filed in Federal courts by State prisoners has more than doubled since 1970

Federal court management statistics 1985 (Washington: Administrative Office of U.S. Courts, 1985), p. 30.

Both convictions and sentences may be appealed

Profile of capital punishment statutes and legal changes during 1985

Jurisdictions authorizing capital punishment at some time during 1985	Revised or replaced by legislature	Automatic appeals required	Capital offenses
Federal			Aircraft piracy
Alabama		Yes	Murder
Arizona	Yes	Yes	First-degree murder
Arkansas	Yes		Aggravated murder; treason
California		Yes	First-degree murder with special circumstances
Colorado	Yes	Yes	First-degree murder (includes felony murder); first-degree kidnapping
Connecticut	Yes	Yes	Murder
Delaware		Yes	First-degree murder with statutory aggravating circumstances
Florida			First-degree murder
Georgia		Yes	Murder; treason; aircraft hijacking; kidnapping with bodily injury; armed robbery or rape in which victim dies
Idaho		Yes ^a	First-degree murder, aggravated kidnapping (except where victim released unharmed)
Illinois		Yes	Murder
Indiana		Yes	Murder
Kentucky		Yes	Aggravated murder; kidnapping when victim is killed
Louisiana		Yes	First-degree murder
Maryland		Yes ^a	First-degree murder
Mississippi	Yes	Yes	Capital murder, capital rape
Missouri		Yes	First-degree murder
Montana	Yes		First-degree murder; aggravated kidnapping (includes in death)
Nebraska		Yes	First-degree murder
Nevada	Yes	Yes	First-degree murder
New Hampshire		Yes	Contract murder or murder of law-enforcement officer or kidnapping victim
New Jersey	Yes	Yes ^b	Kidnaping or purposeful murder or contract murder with aggravating circumstances
New Mexico		Yes ^a	First-degree murder
North Carolina		Yes	First-degree murder
Ohio			Aggravated murder
Oklahoma		Yes	Murder
Oregon		Yes	Aggravated murder
Pennsylvania		Yes	First-degree murder
South Carolina	Yes	Yes	Murder with statutory aggravating circumstances
South Dakota		Yes	Murder, kidnapping (with gross permanent physical injury inflicted on victim)
Tennessee		Yes	First-degree murder
Texas	Yes	Yes	Murder of public safety officer, fireman, or correctional employee; murder during specified felonies or escapes; contract murder; multiple murders
Utah		Yes	First-degree murder; aggravated assault by prisoner sentenced for first-degree felony where serious injury is caused
Vermont			Murder of police or corrections officer, kidnapping for ransom
Virginia	Yes	Yes	Capital murder
Washington		Yes	Aggravated premeditated first-degree murder
Wyoming		Yes	First-degree murder

Note: Jurisdictions without capital punishment statutes are Alaska, District of Columbia, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, New York, North Dakota, Rhode Island, West Virginia, and Wisconsin.

^a Sentence review only.
^b Sentence review after January 17, 1986.
^c e: Capital punishment, 1985, BJS Bulletin, NCJ-102742, November 1986, table 1, p. 3.

Appellate filings have increased in almost every State

T. B. Marvell and M. Kuykendall, "Appellate courts - facts and figures," *State Court Journal* (1980), 4:10-13.

Percent change in appeals filed 1973-83

State	Total appeals	Criminal appeals	Civil appeals
Alaska	303 ^{a,b}	914 ^b	91
Connecticut	265 ^{c,d}	454 ^c	227 ^{c,d}
Oregon	212 ^b	253 ^b	181
Hawaii	201 ^a	483	103
Montana	187	217	180
Florida	186	--	--
Kentucky	186 ^{a,c}	200 ^c	180 ^c
Minnesota	172 ^{a,b}	219 ^b	160 ^b
Michigan	167 ^b	157	180 ^b
Maine	161 ^{c,d}	39	343 ^{c,d}
Nevada	159	203	131
South Dakota	156	--	--
Alabama	156	137	182
Massachusetts	154 ^a	191	138
Arizona	145	273	70
New Hampshire	144 ^c	178 ^c	133 ^c
Texas	140 ^c	147 ^c	132
Louisiana	139	454	94
Vermont	137	170	126
Illinois	129 ^c	80 ^c	184 ^c
Utah	116	69	130
Rhode Island	110 ^d	41	135 ^d
Colorado	108	88	118
Kansas	108 ^{a,b}	214 ^b	81 ^b
Wyoming	103	196	74
Missouri	97	80	105
Washington	96 ^d	148 ^d	74 ^d
Ohio	95	--	--
Pennsylvania	94	--	--
California	89	66	120
New York	87	--	--
New Mexico	86	50	111
Oklahoma	85	16	122
Idaho	72 ^a	125	53
Iowa	69 ^a	35	91
Nebraska	68	23	109
Delaware	67	81	59
New Jersey	62	72	55
Tennessee	62	48	74
Dist. of Columbia	57	40	80
Virginia	60	39	99
Maryland	53 ^d	52 ^d	55
Mississippi	38	51	31

Note: Comparable data were not available for Arkansas, Georgia, Indiana, North Carolina, North Dakota, South Carolina, West Virginia, and Wisconsin.

--Detail data were not available.

^aAn intermediate appellate court began operation during the period.

^bAppellate jurisdiction was increased substantially, sometimes in conjunction with the establishment of a new intermediate appellate court.

^cDocketing systems changed, artificially increasing the number of filings.

^dAppellate jurisdiction was reduced substantially.

The growth of appeals: 1973-83 trends, BJS Bulletin, NCJ-96381, February 1985, table 1, p. 2.

Section 5. Sentencing and sanctions

Pages 90-92

Through sentencing, society attempts to express its goals for the correctional process

Attitudes about sentencing reflect multiple goals and other factors

Brian Forst and Charles Wellford, "Punishment and sentencing: Developing sentencing guidelines empirically from principles of punishment," Rutgers Law Review, (1981), 33(3): 799-837.

The basic difference in sentencing systems is the apportioning of discretion between the judge and parole authorities

All the definitions (indeterminate, partly indeterminate, determinate, mandatory, presumptive, etc.) were adapted from these sources:

Caroline S. Cooper, Debra Kelley, and Sharon Larson, Judicial and executive discretion in the sentencing process: Analysis of felony State code provisions (Washington: Institute for Advanced Studies in Justice, Washington College of Law, The American University, January 1982).

Setting prison terms, BJS Bulletin, NCJ-76218, August 1983.

Sentencing practices in 13 States, BJS Special Report, NCJ-95399, October 1984.

The effects of limiting discretion in sentencing, New York State Division of Criminal Justice Services, Office of Policy Analysis, Research and Statistical Services, March 1984.

Richard S. Morelli, Craig Edelman, and Roy Willoughby, A survey of mandatory sentencing in the U.S., Pennsylvania Commission on Crime and Delinquency, Criminal Justice Statistics Division, September 1981.

Since 1975 many States have adopted determinate sentencing, but most still use indeterminate sentencing

Surveys conducted for the Bureau of Justice Statistics by the U.S. Bureau of the Census in 1985 and by the Pennsylvania Commission on Crime and Delinquency in 1986.

States employ other sentencing features in conjunction with their basic strategies

Surveys conducted for the Bureau of Justice Statistics by the U.S. Bureau of the Census in 1985 and by the Pennsylvania Commission on Crime and Delinquency in 1986.

Sentencing guidelines usually are developed by a separate sentencing commission

Caroline S. Cooper, Debra Kelley, and Sharon Larson, Judicial and executive discretion in the sentencing process: Analysis of State felony code provisions (Washington: Institute for Advanced Studies in Justice, Washington College of Law, The American University, January 1982).

Setting prison terms, BJS Bulletin, NCJ-76218, August 1983.

Sentencing practices in 13 States, BJS Special Report, NCJ-95399, October 1984.

The effects of limiting discretion in sentencing, New York State Division of Criminal Justice Services, Office of Policy Analysis, Research and Statistical Services, March 1984.

Richard S. Morelli, Craig Edelman, and Roy Willoughby, A survey of mandatory sentencing in the U.S., Pennsylvania Commission on Crime and Delinquency, Criminal Justice Statistics Division, September 1981.

Preliminary report on the development and impact of the Minnesota Sentencing Guidelines, Minnesota Sentencing Guidelines Commission, July 1982.

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Forfeiture is a relatively new sanction

What is forfeiture?

State laws and procedures affecting drug trafficking control: A national overview (Washington: The National Governor's Association and the National Criminal Justice Association, July 1985), p. 65.

Report of the Committee on the Judiciary, United States Senate, on S. 1762, Comprehensive Crime Control Act of 1983 (Washington: USGPO, 1983), p. 191.

There are two types of forfeiture: civil and criminal

Report of the Committee on the Judiciary, United States Senate, on S. 1762; Comprehensive Crime Control Act of 1983 (Washington: USGPO, 1983), p. 193

Daniel K. Webb and Scott F. Turow, "RICO forfeiture in practice: A prosecutorial perspective," University of Cincinnati Law Review, (1983), 52(2): 404-430.

The use of forfeiture varies greatly among jurisdictions

Dan K. Webb and Scott F. Turow, "RICO forfeiture in practice: A prosecutorial perspective," University of Cincinnati Law Review, (1983), 52(2): 404-430.

State laws and procedures affecting drug trafficking control: A national overview (Washington: National Governor's Association and the National Criminal Justice Association, July 1985), pp. 5 and 66-87.

A comprehensive perspective on civil and criminal RICO legislation and litigation, American Bar Association, Criminal Justice Section, April 18, 1985, Appendix C.

What is forfeitable?

State laws and procedures affecting drug trafficking control: A national overview (Washington: National Governor's Association and the National Criminal Justice Association, July 1985), pp. 66-77.

Lindsey Stellwagen, "Use of forfeiture sanctions in drug cases," NIJ Research in Brief, NCJ-098259, July 1985.

How long does it take to determine if property can be forfeited?

State laws and procedures affecting drug trafficking control: A national overview (Washington: National Governor's Association and the National Criminal Justice Association, July 1985), pp. 66-87.

What happens to forfeited property?

State laws and procedures affecting drug trafficking control: A national overview (Washington: National Governor's Association and the National Criminal Justice Association, July 1985), pp. 66-87.

Lindsey D. Stellwagen, Use of forfeiture sanctions in drug cases, NIJ Research in Brief, NCJ-098259, July 1985.

Handbook on the Comprehensive Crime Control Act of 1984 and other criminal statutes enacted by the 98th Congress, U.S. Department of Justice, December 1984, Chapter 3, pp. 43-57.

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Sanctions for alcohol-related driving offenses are becoming more severe**Alcohol related driving offenses carry both criminal and administrative sanctions****1986 possible sanctions****1st Offense**

Fines- range: \$100-\$5,000
(7 States/Pennsylvania and Alaska)

Imprisonment- range: 1 day to 2 years
(4 States go to 2 years)

License revocation and suspension:

Number of States	Length
16	3 months minimum
12	12
8	6
4	2
4	1
Excludes Maine	

Range: 21 days to 3 years
(Kansas and Ohio)

2nd Offense

Fines- range: \$150-\$5,000
(Ohio/6 States)

Imprisonment- range: 2 days-5 years
(Hawaii and Oklahoma)

License revocation and suspension:

Number of States	Length
30	12 months minimum
8	24
5	36
2	4
1	18
1	6
1	3

Range: 1.5-5 years

3rd Offense

Fines- range: \$100-\$150,000
(N. Carolina and Arizona)

Imprisonment-range: 1 month-5 years
(6 States)

License revocation and suspension:

Number of States	Length
1	permanently
1	indefinitely
17	12 months
9	36
9	24
5	60
3	6
2	120
2	18
1	6

Many States have resorted to mandatory sanctions

A digest of State alcohol-highway safety related legislation, first edition and fifth edition, National Highway Traffic Safety Administration, U.S. Department of Transportation.

In 42 States imprisonment is mandatory for driving while intoxicated

A digest of State alcohol-highway safety related legislation, fifth edition, National Highway Traffic Safety Administration, U.S. Department of Transportation.

State	1986 possible sanctions for driving while intoxicated offense									States with habitual offender laws
	First offense			Second offense			Third offense			
	License suspension/revocation	Fine	Imprisonment	License suspension/revocation	Fine	Imprisonment	License suspension/revocation	Fine	Imprisonment	
Alabama	90 days	\$250-1000	12 mos	1 yr	\$500-2500	12 mos	3 yrs	\$1000-5000	2-12 mos	
Alaska	90+	250-5000	12	1+	500-5000	12	1	1000-5000	12	
Arizona	90+	1000	6	1+	1000	6	3+	150,000	12-24	
Arkansas	90-120	150-1000	12	1+	400-3000	12	2+	900-5000	3-12	
California	180	390-1000	6	3	390-1000	3-12	1.5	390-1000	4-12	
Colorado	365	300-1000	12	1	500-1500	3-12	1	500-1500	3-12	X
Connecticut	365	500-1000	6	2	500-2000	1-12	3	1000-4000	1-24	
Delaware	365	200-1000	2-6	1	500-2000	2-18	1.5	500-2000	2-18	X
D.C.	180	300	3	1	5000	12	2	10,000	12	
Florida	180-365	250-500	6	5	500-1000	9	5	1000-2500	12	X
Georgia	365	300-1000	12	3	600-1000	3-12	5	1000	4-12	X
Hawaii	90	150-1000	2 days	1	500-1000	2 days	1-5	500-1000	1-6	
Idaho	180	1000	6 mos	.5-1	2000	12 mos	1-5	5000	60	
Illinois	365+	1000	12	1+	1000	12	1+	1000	12	
Indiana	90+	500	2	2	5000	12	2	500-5000	2-12	X
Iowa	180	500-1000	12	1	750-5000	24	6	7500	60	X
Kansas	21-365	200-500	6	1	500-1000	3-12	1	1000-2500	3-12	X
Kentucky	180	200-500	1	1	350-500	6	2	500-1000	1-12	X
Louisiana	60	125-500	6	1	300-500	1-6	1	1000	12-60	X
Maine ^a	90	1000	12	1	1000	12	2	1000	12	X
Maryland	60	500	2	4 mos	500	12	.5-1	500	12	
Massachusetts	365	100-1000	24	2 yrs	300-1000	24	5	500-1000	3-24	X
Michigan	6-24 mos	100-500	3	1	1000	12	5	1000	12-60	
Minnesota	30	700	3	3 mos	3000	12	1	3000	12	
Mississippi	90-365	200-500	1 day	2 yrs	400-1000	12	3	500-1000	1-12	
Missouri	30-90	300	6 mos	1	1000	12	1	5000	60	
Montana	180	100-500	2	1	300-500	6	1	500-1000	1-12	Y
Nebraska	180	500	1	1	500	1	15	500	3-6	
Nevada	90	200-1000	6	1	500-1000	6	1-3	2000-5000	12-72	
New Hampshire	90-730	1000	—	3	1000	12	Indef.	1000	12	X
New Jersey	180-365	250-400	1	2	500-1000	3	10	1000	6	
New Mexico	365	300-500	1-3	1	1000	3-12	5	1000	3-12	
New York	180	350-500	12	1	500-5000	48	1	500-5000	48	
North Carolina ^b	365	100-2000	up to 24	4	1000	12	Perm.	100-2000	up to 24	
North Dakota	91	500	1	1	500	1	2	1000	12	
Ohio	60-3 yrs	150-1000	6	5	150-1000	6	10	150-1000	1-12	
Oklahoma	180	1000	12	2	2500	12-60	3	2500	12-60	
Oregon	365	2500	12	3	2500	12	3	2500	12	X
Pennsylvania	365	5000	24	1	5000	24	1	5000	24	X
Rhode Island	90-180	100	12	1-2	400	12	2-3	400	6-12	X
South Carolina	180	200	1	1	1000	12	2	2000	2-36	X
South Dakota	30-365	1000	12	1	1000	12	1	2,000	24	
Tennessee	365	250-1000	11 (29)	2	500-2500	11 (29)	3-10	1000-5000	4-11 (29)	X
Texas	90-365	100-2000	24	2	300-2000	24	2	500-2000	1-24	X
Utah	90	299	2-6	1	299	2-6	1	299	2-6	
Vermont	90	200-750	12	1.5	250-1000	12	3	500-1500	12	X
Virginia	180	1000	12	3	200-1000	1-12	3	500-1000	2-12	X
Washington	90	250-1000	12	1	500-2000	12	2	500-2000	12	X
West Virginia	365	100-500	6	1	1000-3000	6-12	1	3000-5000	12-36	
Wisconsin	30-180	150-300	—	1	300-1000	6	1-2	600-2000	1-12	X
Wyoming	90	750	6	1	200-750	6	3	200-750	6	

^a Possible sanctions for Maine are recorded for a "criminal violation" rather than a "traffic infraction."

^b North Carolina's "lines of punishment" are based on factors surrounding each offense, not on the offense per se.

Source: "State Law Summary Analysis," A digest of State alcohol-highway safety related legislation, fifth edition, National Highway Traffic Safety Administration, U.S. Dept. of Transportation, current as of January 1, 1987.

In most States possible sanctions for repeat alcohol-related driving offenders are progressively severe

State	1986 mandatory sanctions for driving while intoxicated offense								
	First offense			Second offense			Third offense		
	License suspension/revocation	Fine	Imprisonment	License suspension/revocation	Fine	Imprisonment	License suspension/revocation	Fine	Imprisonment
Alabama	90 days			12 mos		2 days	36 mos		60 days
Alaska	30		3 days	12		20	120		30
Arizona	30	\$250	1	12	\$500	60	36		180
Arkansas				12			24		
California		\$390		1	\$375	2	36	\$390	120
Colorado				12		7	24		7
Connecticut	365		2	24		10	36		120
Delaware	90			6		60	6		60
D.C.	180			12			24		
Florida				12		10	24		30
Georgia				4		2	60		10
Hawaii	30	\$150	2	12		2			
Idaho				1		10	12		30
Illinois						2			2
Indiana	30			12		5	12		5
Iowa		\$500		12	\$750	7	24	\$750	30
Kansas	21		2	4		5	12		90
Kentucky	30			12		7	24		30
Louisiana			2	12		15	12		180
Maine	90	\$350	2	12	\$350	2	12	\$350	2
Maryland						2			2
Massachusetts	45			12		14	24		60
Michigan				2			12		
Minnesota									
Mississippi	45	\$200		12	\$400			\$500	
Missouri				12		2	12		
Montana			1	3		3	3		10
Nebraska	60			6		2	12		7
Nevada	45		2	12		10	18		365
New Hampshire	90			36		7	36		7
New Jersey	180			24		2	120		90
New Mexico				12		2	60		2
New York		\$350			\$500			\$500	
North Carolina	10			24		7	36		7
North Dakota	30	\$250		12	\$500	4	24	\$1,000	60
Ohio			3			10	6		30
Oklahoma	180			24			36		
Oregon			2	3		2	12		2
Pennsylvania	30	\$300		12	\$300	30	12	\$300	90
Rhode Island	90	\$100		12	\$400	2	24	\$500	2
South Carolina		\$200	2	12		2	24		60
South Dakota				12			12		
Tennessee		\$250	2	24	\$500	45	36	\$1,000	120
Texas						3			10
Utah	90	\$150	2	12	\$299	10	12	\$299	720
Vermont	90			18		2	24		2
Virginia				24		2	60		30
Washington	30	\$250	1	12	500	7	24	\$500	7
West Virginia		\$100	1		\$1,000	180	120	\$3,000	365
Wisconsin				1			2		
Wyoming				12		7	36		7

Source: "Analysis by States-high interest legislation,"
A digest of State alcohol-highway safety related
legislation, fifth edition, National Highway Traffic

Safety Administration, Department of Transportation,
January 1, 1987.

Many States have increased the severity of their mandatory sanctions against alcohol-related driving offenses

	1983 mandatory sanctions for a DWI conviction								
	First offense			Second offense			Third offense		
	License suspension/re-vocation	Fine	Impri-sonment	License suspension/re-vocation	Fine	Impri-sonment	License suspension/re-vocation	Fine	Impri-sonment
Alabama		\$100		6 mos.	\$200		6 mos.	\$200	
Alaska									
Arizona		250	1 day	12	500	60 days			180 days
Arkansas	3 mos.			6					
California					375	2	36	375	120
Colorado						7			7
Connecticut		300			300	2		300	2
Delaware				12			18		
D.C.									
Florida	3			6			12		
Georgia	2			3			60		
Hawaii			2						
Idaho	3			6			12		
Illinois									
Indiana	2			12			12		5
Iowa	4		2	8		7	12		
Kansas			3	12		5	12		90
Kentucky		100		12	100	3	12	100	30
Louisiana			2	12		15	12		180
Maine	5 years	250	2	5 years	250	2	5 years	250	2
Maryland									
Massachusetts	3 mos.	35	14	3 mos.	35	14	3 mos.		
Michigan				12			60		
Minnesota	3								
Mississippi				6			24		
Missouri	1			2			3		
Montana	6			12		3	12		10
Nebraska	2			6		2	12		7
Nevada						10			365
New Hampshire	2			36		7	36		
New Jersey									
New Mexico	12			12		2	12		
New York									
North Carolina	12			24		3	24		3
North Dakota				1			1		
Ohio	1			1			1		
Oklahoma	6			6			6		
Oregon	12			12			12		
Pennsylvania	12	300	2	12	300	2	12	300	2
Rhode Island				3			12		
South Carolina	6			12			24		
South Dakota	1			12			12		
Tennessee	12	250	2	24	500	45	36	1,000	120
Texas	12			12			12		
Utah	12			12			12		
Vermont	3			3			36		
Virginia	3			3		2	3		30
Washington	1		1	2		7	12	200	90
West Virginia	6	100	1	6	100	1	6	100	1
Wisconsin	3			6			12		
Wyoming	3		1	6		7	12		7

Source: "State Law Matrix," A digest of State alcohol-highway safety related legislation, First edition,

National Highway Traffic Safety Administration, Department of Transportation, January 1983.

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Juveniles receive dispositions rather than sentences

Juvenile court dispositions tend to be indeterminate

"Institutional commitment and release decision-making for juvenile delinquents; Implications of determinate and indeterminate approaches, final report, Phase I," The URSA Institute, April 1983, p. 55.

Most juvenile cases are disposed of informally

Howard N. Snyder, John L. Hutzler, and Terrence A. Finnegan, *Delinquency in the United States, 1982: A Description of Delinquency and Status Offense Cases Processed by Courts with Juvenile Jurisdiction*, (preliminary draft) (Pittsburgh: National Center for Juvenile Justice, National Council of Juvenile and Family Court Judges, 1985), p. 3.

The juvenile justice system is also undergoing changes in the degree of discretion permitted in confinement decisions

Peter Greenwood, Rand Corp.

"Institutional commitment and release decision-making for juvenile delinquents; Implications of determinate and indeterminate approaches, final report, Phase I," The URSA Institute, April 1983, p. 55.

Dispositions for serious juvenile offenders tend to look like those for adults

Peter W. Greenwood, Albert J. Lipson, Allan Abrahamse, and Franklin Zimring, *Youth crime and juvenile justice in California, R-3011-CSA* (Santa Monica, Calif: The Rand Corporation, June 1983).

The outcomes of juvenile and adult proceedings are similar, but some options are not available in juvenile court

In the matter of the appeal in Maricopa County, Case No. J-86509, Supreme Court, 604 PAC 2nd 641, December 14, 1979.

Delinquency 1979 (Pittsburgh: National Center for Juvenile Justice, Research Division of the National Council of Juvenile and Family Court Judges), p. 22.

Page 96

Current sentencing alternatives reflect multiple objectives

What types of sentences usually are given to offenders?

Death penalty--

Capital punishment, 1985, BJS Bulletin, NCJ-102742, November 1986.

Incarceration--

Federal facilities:

Information received by telephone from U.S. Bureau of Prisons, Office of the Director, April 1986.

State confinement and community based facilities:
National Probation Reports.

Prison population:

Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986.

Jail population:

Probation and parole 1985, BJS Bulletin, NCJ-103683, January 1987.

Probation--

National Probation Reports.

Probation and parole 1985, BJS

Bulletin, NCJ-103683, January 1987.

Parole--

Probation and parole 1984, BJS

Bulletin, NCJ-100181, February 1986.

Fines--

Sally T. Hillsman, Joyce L. Sichel, and Barry Mahoney, Fines in sentencing: A study of the use of the fine as a criminal sanction, National Institute of Justice, U.S. Department of Justice, November 1984.

Most juveniles committed to juvenile facilities are delinquents

	Number of juveniles in custody			Percent of juveniles in custody		
	Total	Public	Private	Total	Public	Private
Committed	60,182	34,549	25,633	100%	57%	43%
Delinquent	44,234	33,071	11,163	74	55	19
Status offenders	7,289	1,744	6,145	12	2	10
Dependent, neglected, etc.	6,697	233	6,459	11	--	11
Emotionally dist., etc.	1,878	1	1,807	3	--	3
Other	89	30	59	--	--	--

--Less than .5%

Source: BJS Children in Custody, 1985, unpublished data.

Page 97	Pages 98-99	At the end of 1985, 37 States had death penalty laws in effect		
		Is there a death penalty statute?		If so, have they executed anyone since 1977?
		Yes	No	
<u>In most cases, a felony conviction results in a sentence that includes incarceration</u>	<u>The death penalty is reserved for the most serious offenses and offenders</u>			
Incarceration is most likely for serious crimes of violence	The death penalty was reaffirmed by the Supreme Court in 1976	Alabama X		Yes
Barbara Boland with Ronald Sones, INSLAW, Inc., <u>The prosecution of felony arrests, 1981, BJS, 1986.</u>	<u>Capital punishment, 1984, BJS Bulletin, NCJ-98399, August 1985.</u>	Alaska X	X	
Confinement may be in State prisons or local jails	A total of 3,909 people have been executed since 1930, including 50 since 1977	Arizona X		
<u>Felony sentencing in 18 local jurisdictions, BJS Special Report, NCJ-97681, June 1985.</u>	<u>Capital punishment, 1984, BJS Bulletin, NCJ-98399, August 1985 and 1985, NCJ-102742, November 1986.</u>	Arkansas X		
Many felons are sentenced to probation	What types of murder are most often cited in State capital punishment laws?	California X		
<u>Felony sentencing in 18 local jurisdictions, BJS Special Report, NCJ-97681, June 1985.</u>	BJS analysis of State capital punishment laws, 1986.	Colorado X		
Sentences are more severe for offenders convicted of multiple charges than for those convicted of single charges	What methods of execution are used by the various States?	Connecticut X		
<u>Felony sentencing in 18 local jurisdictions, BJS Special Report, NCJ-97681, June 1985.</u>	<u>Capital punishment, 1985, BJS Bulletin, NCJ-102742, November 1986, table 2, p. 4.</u>	Delaware X		
Prison sentences are longer for multiple-charge convictions	What is the minimum age authorized for capital punishment?	District of Columbia X	X	
<u>Felony sentencing in 18 local jurisdictions, BJS Special Report, June 1985.</u>	<u>Capital punishment, 1985, BJS Bulletin, NCJ-102742, November 1986, table 3, p. 4.</u>	Florida X		Yes
		Georgia X		Yes
		Hawaii X	X	
		Idaho X		
		Illinois X		
		Indiana X		Yes
		Iowa X	X	
		Kansas X	X	
		Kentucky X		
		Louisiana X		Yes
		Maine X	X	
		Maryland X		
		Massachusetts X	X	
		Michigan X	X	
		Minnesota X	X	
		Mississippi X		Yes
		Missouri X		
		Montana X		
		Nebraska X		
		Nevada X		Yes
		New Hampshire X		
		New Jersey X		
		New Mexico X		
		New York X	X	
		North Carolina X		Yes
		North Dakota X	X	
		Ohio X		
		Oklahoma X		
		Oregon X		
		Pennsylvania X		
		Rhode Island X	X	
		South Carolina X		Yes
		South Dakota X		
		Tennessee X		
		Texas X		Yes
		Utah X		Yes
		Vermont X		
		Virginia X		Yes
		Washington X		
		West Virginia X	X	
		Wisconsin X	X	
		Wyoming X		

Source: Capital punishment, 1985, BJS Bulletin, NCJ-102742, November 1986.

The number of persons on death row reached an alltime high in 1985

Death-row population

Year	Number of Inmates	Year	Number of Inmates
1953	131	1971	642
1954	147	1972	334
1955	125	1973	134
1956	146	1974	244
1957	151	1975	488
1958	147	1976	420
1959	164	1977	423
1960	210	1978	433
1961	257	1979	595
1962	267	1980	697
1963	297	1981	865
1964	315	1982	1,072
1965	331	1983	1,216
1966	406	1984	1,420
1967	435	1985	1,591
1968	517		
1969	575		
1970	631		

Sources:

1953-60 - Separate issues of "Executions"
 "National Prisoner Statistics" from U.S. Bureau
 of Prisons.
 1961-67 - Sourcebook of criminal justice
 statistics, 1973, July 1974, (table 6.141, p. 464).
 1968-80 - Capital punishment, 1980, February
 1981, table 6.
 1981-83 - DSD Capital Punishment information.
 1984-85 - Capital punishment, 1985, BJS
 Bulletin, NCJ-102742, November 1986, table 4.

Persons executed

Year	Number	Year	Number
1953	62	1970	0
1954	81	1971	0
1955	76	1972	0
1956	65	1973	0
1957	65	1974	0
1958	49	1975	0
1959	49	1976	0
1960	56	1977	1
1961	42	1978	0
1962	47	1979	2
1963	21	1980	0
1964	15	1981	1
1965	7	1982	2
1966	1	1983	5
1967	2	1984	21
1968	0	1985	18
1969	0		

Source: Capital punishment, 1985,
 p. 7 for 1977-85 data.
Capital punishment, 1980, table 1,
 p. 14, for 1953-80 data.

Who is on death row?

Capital punishment, 1985, BJS
 Bulletin, NCJ-102742, November
 1986, tables 5, 7, and 10.

Profile of prisoners under
sentence of death, 1985

Demographic characteristics

Sex	
Male	98.9%
Female	1.1

Race	
White	56.8%
Black	42.3
Other	1.0

Age	
Less than 20 years	.8%
20-24	13.3
25-29	26.9
30-34	23.6
35-39	16.3
40-54	17.0
55+	2.0
Median	31.9 years

Education	
7th grade or less	10.8%
8th	11.7
9th-11th	35.6
12th	32.4
Any college	9.4
Median	10.5 years

Marital status	
Married	32.6%
Divorced/separated	21.2
Widowed	2.3
Never married	43.9

Criminal history

Prior felony conviction history	
Yes	66.2%
No	33.8

Prior homicide conviction history	
Yes	9.0%
No	91.0

Legal status at time of capital offense	
Charges pending	6.6%
Probation	5.4
Parole	20.1
Prison escape	2.8
Prison inmate	3.4
Other status	1.6
None	60.1

Note: All percentages were
 calculated on offenders
 for whom data were reported.

Source: Capital punishment, 1985,
 BJS Bulletin, NCJ-102742, November
 1986, tables 5 and 7.

Number of persons executed, by jurisdiction,
in rank order, 1930-85

State	Number executed	
	Since 1930	Since 1977
U.S. total	3,909	50
Georgia	372	6
New York	329	
Texas	307	10
California	292	
North Carolina	265	2
Florida	183	13
Ohio	172	
South Carolina	163	1
Mississippi	155	1
Pennsylvania	152	
Louisiana	140	7
Alabama	136	1
Arkansas	118	
Kentucky	103	
Virginia	96	4
Tennessee	91	
Illinois	90	
New Jersey	74	
Maryland	68	
Missouri	62	
Oklahoma	60	
Washington	47	
Colorado	47	
Indiana	43	2
West Virginia	40	
District of Columbia	40	
Arizona	38	
Federal system	33	
Nevada	31	2
Massachusetts	27	
Connecticut	21	
Oregon	19	
Iowa	18	
Kansas	15	
Utah	14	1
Delaware	12	
New Mexico	8	
Wyoming	7	
Montana	6	
Vermont	4	
Nebraska	4	
Idaho	3	
South Dakota	1	
New Hampshire	1	
Wisconsin	0	
Rhode Island	0	
North Dakota	0	
Minnesota	0	
Michigan	0	
Maine	0	
Hawaii	0	
Alaska	0	

Source: Capital punishment, 1985,
BJS Bulletin, NCJ-102742, November
1986, table 8.

**For most inmates, prison sentences are much longer
than the actual time they will serve**

**Sentences to prison vary widely
between minimum and maximum terms
and are longer for violent crimes**

**Goodtime is offered in nearly
all jurisdictions as an incentive
for good behavior while confined**

Prison admissions and releases,
1983, BJS Special Report, March 1986.

Setting Prison Terms, BJS Survey,
January 1, 1985.

**The percentage of persons released from prison by parole-board decision
has been declining**

Prison releases by method in 1975-84

Year	Total releases from prison	Percent of prison releases by:						
		All	Discre- tionary parole	Pro- bation	Manda- tory re- leases	Ex- piration of term	Commu- tation	Other
1975	106,742	100%	68.3%	2.9%	5.1%	19.1%	2.1%	2.5%
1976	106,928	100	68.9	2.9	5.8	19.2	1.3	1.8
1977	115,213	100	71.9	3.6	5.9	16.1	1.1	1.4
1978	119,796	100	70.4	3.3	5.8	17.0	.7	2.8
1979	128,954	100	60.2	3.3	16.9	16.3	.4	3.0
1980	136,968	100	57.4	3.6	19.5	14.9	.5	4.0
1981	142,489	100	54.6	3.7	21.4	13.9	2.4	4.0
1982	157,144	100	51.9	4.8	24.4	14.4	.3	4.2
1983	191,237	100	48.1	5.2	26.9	16.1	.5	3.2
1984	191,499	100	46.0	4.9	28.7	16.3	.5	3.6

Source: National Prisoner Statistics, 1975-84.

**In 1983 more than half the persons
released from State prisons
served 19 months or less**

Prison admissions and releases,
1983, BJS Special Report, March 1986.

Section 6. Corrections

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How many people are under some form of correctional supervision?

Three out of four adults under correctional care or custody are not incarcerated

Region and States	Number of offenders under correctional supervision for each person incarcerated	Region and States	Number of offenders under correctional supervision for each person incarcerated
Northeast		Midwest	
Connecticut	6.08	Illinois	3.12
Maine	2.56	Indiana	3.14
Massachusetts	3.35	Iowa	3.83
New Hampshire	3.08	Kansas	2.94
New Jersey	3.58	Michigan	3.22
New York	2.49	Minnesota	8.02
Pennsylvania	3.18	Missouri	2.29
Rhode Island	6.07	Nebraska	4.21
Vermont	8.17	North Dakota	2.64
		Ohio	2.43
South		South Dakota	1.96
Alabama	1.22	Wisconsin	3.33
Arkansas	2.13		
Delaware	3.12	West	
Dist. of Columbia	2.20	Alaska	1.17
Florida	3.15	Arizona	1.74
Georgia	3.93	California	2.65
Kentucky	1.94	Colorado	3.21
Louisiana	1.36	Hawaii	4.12
Maryland	4.24	Idaho	2.10
Mississippi	1.13	Montana	2.24
North Carolina	2.85	Nevada	1.42
Oklahoma	2.09	New Mexico	1.43
South Carolina	1.61	Oregon	3.61
Tennessee	2.45	Utah	2.96
Texas	6.02	Washington	4.79
Virginia	1.29	Wyoming	1.88
West Virginia	1.66		

Note: Data on prisoners, probationers, and parolees are for December 31, 1984. Data on jail inmates are for June 30, 1983. Jail counts are included in prison count.

Source: *Probation and parole 1984*, BJS Bulletin, NCJ-100181, February 1986, table 7, p. 4.

More than 1 1/2% of the adult U.S. population is under some form of correctional sanction

Adults on probation, in jail, in prison, and under parole supervisions, by jurisdiction, 1985

	Adult population in thousands	Total correctional population	Rate per 1,000 adult population
United States, total	175,725	2,869,880	16.33
Northeast			
Connecticut	2,418	43,511	18.01
Maine	860	6,287	7.31
Massachusetts	4,458	37,827	8.49
New Hampshire	745	4,701	6.31
New Jersey	5,700	79,142	13.88
New York	13,414	176,684	13.17
Pennsylvania	8,976	101,880	11.35
Rhode Island	743	9,245	12.44
Vermont	395	6,211	15.72
Midwest			
Illinois	8,436	113,030	13.40
Indiana	3,993	55,288	13.85
Iowa	2,111	17,694	8.38
Kansas	1,785	23,792	13.33
Michigan	6,605	107,227	16.23
Minnesota	3,054	36,634	12.65
Missouri	3,702	44,970	12.15
Nebraska	1,158	13,715	11.81
North Dakota	488	2,393	4.90
Ohio	7,871	95,925	12.19
South Dakota	502	4,021	8.01
Wisconsin	3,491	36,583	10.48
South			
Alabama	2,904	34,412	11.85
Arkansas	1,713	19,249	11.24
Delaware	465	10,520	22.62
Dist. of Columbia	494	20,521	41.54
Florida	8,830	177,894	20.15
Georgia	4,318	129,226	29.93
Kentucky	2,703	27,811	10.29
Louisiana	3,126	52,747	16.87
Maryland	3,295	92,023	27.93
Mississippi	1,824	18,902	10.36
North Carolina	4,666	80,209	17.19
Oklahoma	2,377	32,429	13.64
South Carolina	2,425	34,409	14.19
Tennessee	3,531	45,249	12.81
Texas	11,572	370,088	31.98
Virginia	4,262	40,566	9.52
West Virginia	1,420	7,283	5.13
West			
Alaska	351	5,124	14.60
Arizona	2,312	31,330	13.55
California	19,525	336,199	17.22
Colorado	2,367	25,723	10.87
Hawaii	764	10,813	14.15
Idaho	681	5,757	8.45
Montana	592	4,928	8.33
Nevada	716	11,377	15.89
New Mexico	1,002	8,937	8.92
Oregon	1,976	31,145	15.76
Utah	1,031	10,043	9.74
Washington	3,229	60,791	18.83
Wyoming	349	3,074	8.81

Note: Data are for June 30, 1983, for jail population.
Source: *Probation and parole 1984*, BJS Bulletin, NCJ-100181, February 1986, table 7, p. 4.

More than 2.6 million adults are under some form of correctional care, custody, or supervision

An estimated 95% of State prison inmates are either convicted violent offenders or have a history of prior sentences to probation, jail, or prison

Probation and parole 1985, BJS Bulletin, January 1987.

Criminal histories of 274,564 State prison inmates

How does the imprisonment rate of the United States compare to that of other countries?

Imprisonment in four countries, BJS Special Report, NCJ-103967 February 1987.

Current violent offense	Yes 58%		No 42%	
History of violence	Yes 19%	No 38%	Yes 8%	No 34%
Prior sentences to probation, jail, or prison	Yes 18%	No 1%	Yes 26%	No 12%
			Yes 8%	No 0%
			Yes 29%	No 5%

Source: BJS Survey of State Prison Inmates, 1979, unpublished data.

About .3% of the juvenile population was in custody in 1985

State	Number of juveniles in public or private custody per 10,000 age eligible population ^a	Age eligible population ^b	1985 juvenile 1-day count		State	Number of juveniles in public or private custody per 10,000 age eligible population ^a	Age eligible population ^b	1985 juvenile 1-day count	
			Public	Private				Public	Private
U.S. total	31.2	26,724,000	49,322	34,080	Missouri	27.4	517,000	815	600
Alabama	19.1	510,000	680	294	Montana	24.0	103,000	204	43
Alaska	56.4	64,000	201	160	Nebraska	43.4	192,000	269	565
Arizona	48.5	371,000	905	894	Nevada	51.1	106,000	451	91
Arkansas	31.3	295,000	274	648	New Hampshire	19.6	120,000	152	83
California	54.3	2,912,000	12,524	3,288	New Jersey	20.0	906,000	1,508	306
Colorado	29.5	372,000	581	515	New Mexico	43.2	186,000	511	293
Connecticut	36.5	273,000	202	795	New York	34.7	1,553,000	1,516	3,880
Delaware	26.4	72,000	190	0	North Carolina	24.0	560,000	798	546
Dist. of Columbia	68.4	61,000	281	136	North Dakota	24.4	85,000	94	113
Florida	29.0	1,149,000	2,179	1,156	Ohio	36.6	1,327,000	3,058	1,802
Georgia	20.0	651,000	1,053	247	Oklahoma	21.3	392,000	314	521
Hawaii	17.4	121,000	149	61	Oregon	37.3	316,000	702	477
Idaho	19.3	135,000	118	143	Pennsylvania	23.6	1,392,000	1,060	2,223
Illinois	17.0	1,215,000	1,534	532	Rhode Island	28.5	111,000	148	168
Indiana	41.8	691,000	1,334	1,552	South Carolina	20.6	370,000	647	115
Iowa	30.6	356,000	399	691	South Dakota	50.5	87,000	193	246
Kansas	48.9	279,000	651	712	Tennessee	26.5	578,000	1,128	402
Kentucky	22.3	470,000	609	438	Texas	23.3	1,768,000	2,209	1,913
Louisiana	25.6	597,000	1,188	342	Utah	12.0	234,000	170	111
Maine	32.2	145,000	242	225	Vermont	*	*	*	137
Maryland	41.2	523,000	1,377	777	Virginia	25.8	669,000	1,456	268
Massachusetts	18.3	581,000	187	877	Washington	33.8	517,000	1,342	406
Michigan	33.2	1,016,000	1,733	1,636	West Virginia	10.8	246,000	112	153
Minnesota	37.6	508,000	634	1,278	Wisconsin	29.9	594,000	668	1,107
Mississippi	11.5**	358,000	410	--	Wyoming	23.1**	70,000	162	--

^aBased on juvenile 1-day population data.

^bThe population on July 1, 1984, of persons aged 10 to the age of criminal responsibility in each State.

--Data withheld to preserve confidentiality guarantees.

*As Vermont did not operate any public juvenile facilities, no calculations for these columns could be made.

**Includes only public facility confinements; private confinements excluded to preserve confidentiality guarantees.

Sources: Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986, and Children in custody 1985, unpublished data

More than 83,000 persons were in juvenile facilities in 1985

Note: The placement breakdown of juveniles between public and private facilities in Mississippi and Wyoming is not available because of confidentiality constraints. Such data are available for the other States.

	Adults in public and private facilities on Feb. 1, 1985
United States, total	2,112
California	1,984
Florida	22
Indiana	52
Iowa	1
Minnesota	26
New York	18
Pennsylvania	6
Tennessee	3

Sources: Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986, and Children in Custody 1985, unpublished data.

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What are the trends in correctional populations?

All correctional populations are growing

Probation and parole 1985, NCJ-103683, BJS Bulletin, January 1987, table 4, p. 4.

Since 1970 the number of local jails has declined by 17% and the number of inmates present on a single day has risen by nearly 40%

Jails and inmates, by region, 1970-83

Region	1970	1972	1978	1983
Number of jails				
United States	4,037	3,921	3,493	3,338
Northeast	235	231	207	223
North Central	1,178	1,153	1,042	972
South	1,914	1,865	1,678	1,607
West	710	672	566	536
Number of inmates				
United States	160,863	141,588	158,394	223,551
Northeast	31,458	27,362	24,228	36,634
North Central	29,209	23,516	28,452	39,538
South	61,655	55,461	67,444	89,479
West	38,541	35,249	38,270	57,900

Note: The census dates were March 15, 1970; June 30, 1972; February 15, 1978; and June 30, 1983.
Sources: The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984. National Jail Census 1970, a report on the local jails and type of inmates LEAA, NCJISS, U.S. Department of Justice, February 1971. The Nations' Jails, LEAA, NCJISS, U.S. Department of Justice.

Admissions and releases for the year ending June 30, 1983, by legal status, sex, and region

Region	Total	Adults		Juveniles	
		Male	Female	Male	Female
Admissions					
United States	8,084,344	7,270,663	708,315	86,850	18,516
Northeast	489,546	442,005	40,978	5,840	723
North Central	1,366,779	1,223,836	117,678	19,897	5,368
South	4,008,646	3,643,062	315,822	41,792	7,970
West	2,219,373	1,961,760	233,837	19,321	4,455
Releases					
United States	7,941,236	7,145,818	691,338	85,564	18,516
Northeast	471,700	426,171	39,271	5,469	789
North Central	1,349,288	1,207,471	116,752	19,715	5,350
South	3,959,636	3,602,767	307,710	41,224	7,935
West	2,160,612	1,909,409	227,605	19,156	4,442

Note: Releases include expirations of sentence, transfers to probation or parole, transfers to State and Federal correctional facilities, and transfers to other jurisdictions.

Source: The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984, table 7.

Probation populations are growing at a faster rate than other correctional populations

Probation and parole 1985, BJS Bulletin, NCJ-103683, January 1987.

To calculate probation rate, adults in the general population were defined as resident population age 18 and older.

	Number of adults on Probation
1979	1,086,535
1980	1,118,097
1981	1,225,934
1982	1,357,264
1983	1,582,947
1984	1,740,948
1985	1,870,132

Prison population is at an alltime high

	Sentenced prison population		Sentenced prison population
1925	91,669	1956	189,565
1926	97,991	1957	195,414
1927	109,346	1958	205,643
1928	116,390	1959	208,105
1929	120,496	1960	212,953
1930	129,453	1961	220,149
1931	137,082	1962	218,830
1932	137,997	1963	217,283
1933	136,810	1964	214,336
1934	138,316	1965	210,895
1935	144,180	1966	199,654
1936	145,038	1967	194,896
1937	152,741	1968	187,274
1938	160,285	1969	197,136
1939	179,818	1970	196,441
1940	173,706	1971	198,061
1941	165,439	1972	196,092
1942	150,384	1973	204,211
1943	137,220	1974	218,466
1944	132,456	1975	240,593
1945	133,649	1976	262,833
1946	140,079	1977	285,456
1947	151,304	1978	294,396
1948	155,977	1979	301,470
1949	163,749	1980	315,974
1950	166,165	1981	353,673
1951	165,680	1982	395,516
1952	168,233	1983	419,346
1953	173,579	1984	446,108
1954	182,901	1985	481,616
1955	185,780		

Source: State and Federal prisoners, 1925-85, BJS Bulletin, NCJ-102494, October 1986.

The incarceration rate for the entire U.S. population is also at an alltime high

	Incarceration rate per 100,000 population		Incarceration rate per 100,000 population
1925	79	1956	112
1926	83	1957	113
1927	91	1958	117
1928	96	1959	117
1929	98	1960	117
1930	104	1961	119
1931	110	1962	117
1932	110	1963	114
1933	109	1964	111
1934	109	1965	108
1935	113	1966	102
1936	113	1967	98
1937	118	1968	94
1938	123	1969	97
1939	137	1970	96
1940	131	1971	95
1941	124	1972	93
1942	112	1973	96
1943	103	1974	102
1944	100	1975	111
1945	98	1976	120
1946	99	1977	129
1947	105	1978	132
1948	106	1979	133
1949	109	1980	138
1950	109	1981	153
1951	107	1982	170
1952	107	1983	178
1953	108	1984	188
1954	112	1985	201
1955	112		

Source: State and Federal prisoners, 1925-85, BJS Bulletin, NCJ-102494, October 1986.

Why are prison populations growing?

Prisoners in 1984, BJS Bulletin, NCJ-97118, April 1985.

The number of admissions to prison annually has increased relative to both the number of serious crimes reported to the police and the number of adult arrests

BJS Prison admissions and releases, 1981, 1982 and 1983, and BJS Prisoners in State and Federal institutions on December 31, 1984, NCJ-103768, February 1987.

Court commitments to State prisons relative to serious crimes and adult arrests, 1978-84

	Commitments to prison per 100:	
	Serious crimes	Adult arrests
Year		
1978	2.7	18.5
1979	2.6	18.7
1980	2.5	19.6
1981	2.9	21.4
1982	3.5	21.9
1983	3.9	24.7
1984	3.9	24.6

Source: Derived from table 10, Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986.

Since 1977 prison populations have grown by more than two-thirds

Change in the total prison population, 1977-85

Year	Number of inmates	Annual percent change	Total percent change since 1977
1977	300,024	--	--
1978	307,276	2.4%	2.4%
1979	314,457	2.3	4.8
1980	329,821	4.9	9.9
1981	369,930	12.2	23.3
1982	413,806	11.9	37.9
1983	437,248	5.7	45.7
1984	464,567	6.2	54.8
1985	503,601	8.4	67.9

Note: All counts are for December 31 of each year and may differ from previously reported numbers because of revision.

Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986, table 1.

Total admissions to prison reached an all-time high in 1984

Prison admissions 1930-84

	Total admissions	% from courts	% conditional release violations	Commitment rate from courts per 100,000 adults
1930	59,292	95%	5%	70
1935	58,389	92	8	63
1940	63,816	91	9	63
1945	45,201	86	14	40
1950	62,557	88	12	40
1955	73,150	86	14	58
1960	88,438	85	15	64
1965	92,294	81	19	60
1970	83,068	81	19	50
1975	130,478	86	14	76
1976	133,083	84	16	74
1977	133,847	85	15	74
1978	135,289	83	17	72
1979	142,642	83	17	74
1980	158,392	83	17	80
1981	183,151	81	19	90
1982	201,334	82	18	98
1983	216,274	80	20	101
1984	216,459	77%	23%	96

BJS National Prisoner Statistics, unpublished data.

Between 1979 and 1984 the number of inmates in State-operated, community-based halfway houses grew half as fast as the number of inmates in State prisons

BJS 1984 Census of State adult correctional facilities, NCJ-105585, forthcoming, and BJS 1979 Census of State Adult Correctional Facilities, unpublished data.

The use of parole is declining

State prison release by method, 1977-85

Year	Total releases from prisons	Percent of prison releases						
		All	Discretionary parole	Mandatory release	Expiration of term	Probation	Communitation	Other
1977	115,213	100%	71.9%	5.9%	16.1%	3.6%	1.1%	1.4%
1978	119,796	100	70.4	5.8	17.0	3.3	.7	2.8
1979	128,954	100	60.2	16.9	16.	3.3	.4	3.0
1980	136,968	100	57.4	19.5	14.9	3.6	.5	4.0
1981	142,489	100	54.6	21.4	13.9	3.7	2.4	4.0
1982	157,144	100	51.9	24.4	14.4	4.8	.3	4.2
1983	191,237	100	48.1	26.9	16.1	5.2	.5	3.2
1984	191,499	100	46.0	28.7	16.3	4.9	.5	3.6
1985	203,895	100	43.2	30.8	16.9	4.5	.4	4.1

Source: Probation and parole 1985, BJS Bulletin, NCJ-103683, January 1987.

What are the trends in juvenile correctional populations?

Trends in juvenile correctional populations

	1974	1979	1982	1984	Percent change	
					1974-84	1982-84
Admissions						
Public	647,175	568,802	530,200	527,759	-18%	--
Private	53,661	69,507	88,806	101,007	88	14
Total	700,836	638,309	619,006	628,766	-10	2
Average daily population						
Public	46,753	47,803	50,208	49,480	6%	-1%
Private	31,384	28,566	31,685	33,121	6	5
Total	78,137	76,369	81,893	82,601	6	1
One-day counts*						
Public	44,922	43,234	48,701	49,322	10	1
Private	31,749	28,688	31,390	34,080	7	9
Total	76,671	71,922	80,091	83,402	9	4
Discharges						
Public	640,408	560,751	522,599	520,903	-19	--
Private	47,471	64,574	84,399	96,006	102	14
Total	687,879	625,325	606,998	616,909	-10	2

Note: Annual period data include both juvenile and adult residents.
-- less than .5%.

*1-day count data are for February 1, 1983, and February 1, 1985.
Sources: BJS Children in custody 1974, NCJ-57946, tables B-1 and B-2. BJS Children in custody: 1982/83 Census of Juvenile Detention and Correctional Facilities, NCJ 101686, September 1986. Children in custody, public juvenile facilities 1985, NCJ-102457, October 1986. Children in Custody 1985, unpublished data.

Characteristics of juveniles in custody

	1979			1985		
	Public	Private	Total	Public	Private	Total
Reason held						
Delinquent	39,519	9,607	49,126	46,086	11,657	57,743
Status offender	2,789	6,296	9,085	2,293	6,726	9,019
Other	926	12,785	13,711	943	15,697	16,640
Nonoffender	625	6,581	7,206	644	8,844	9,488
Voluntary admissions	301	6,204	6,505	299	6,853	7,152
Total	43,234	28,688	71,922	49,322	34,080	83,402
Sex						
Male	37,167	20,512	57,679	42,549	23,844	66,393
Female	6,067	8,176	14,243	6,773	10,236	17,009
Race						
White	26,053	21,654	47,707	29,969	23,999	53,968
Black	13,752	5,843	19,595	18,269	9,204	27,473
Other*	950	1,191	2,141	1,084	877	1,961
Not reported	2,479	0	2,479	0	0	0
Ethnicity						
Hispanic	4,395	1,906	6,301	6,551	2,510	9,061
Non-Hispanic	39,839	26,782	66,621	42,771	31,570	74,341

*Includes American Indians, Alaskan natives, Asians, and Pacific Islanders.
Sources: Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986. Children in Custody 1985, unpublished data. Children in custody: 1982-83 Census of Juvenile and Correctional Facilities, NCJ-101686, September 1986. Children in custody, A Report on the 1977 and 1979 Censuses, November 1985.

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In what type of facilities are prisoners held?

Confined offenders are housed in three types of facilities

The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984.

BJS 1984 Census of State Adult Correctional Facilities, NCJ-105585, August 1987, T-3, p. 6.

Privatization in corrections, NIJ Issues and Practices in Criminal Justice, February 1985.

Most jails are quite small and hold small numbers of persons in custody

The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984.

Large jails are the most densely populated

Jail inmates and capacity by size of jail, July 30, 1983

Single jail*	Number of inmates	Jail capacity	Percent of capacity utilized
Total	221,551	275,378	81%
Less than 50 inmates	25,615	48,803	52
50-249	76,722	100,195	77
250+	121,214	126,380	96

*Defined as the rated capacity of the jail.

Source: The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984, table 10.

Jails house diverse populations

Jail inmates 1934, BJS Bulletin, NCJ-101094, May 1986.

Annual jail admissions are nearly 36 times the average daily population

Admissions to and releases from local jails for the year ending June 30, 1983, by legal status, sex, and region

Region	Total	Adults		Juveniles	
		Male	Female	Male	Female
Admissions					
United States	8,084,344	7,270,663	708,315	86,850	18,516
Northeast	489,546	442,005	40,978	5,840	723
North Central	1,366,779	1,223,836	117,678	19,897	5,368
South	4,008,646	3,643,062	315,822	41,791	7,970
West	2,219,373	1,961,760	233,837	19,321	4,455
Releases					
United States	7,941,236	7,145,818	691,338	85,564	18,516
Northeast	471,700	426,171	39,271	5,469	789
North Central	1,349,288	1,207,471	116,752	19,715	5,350
South	3,959,636	3,602,767	307,710	41,224	7,935
West	2,160,612	1,909,409	227,605	19,156	4,442

Source: The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984, table 7.

What are the staffing patterns of local jails?

The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984, table 14.

More than half the Nation's inmates live in large prisons

Population density in State prisons, BJS Special Report, NCJ-103204, December 1986.

Prisons are often classified by the level of security

BJS 1984 Census of State Adult Correctional Facilities, NCJ-105585, August 1987, p. 1.

One in three prisons is at least 50 years old and 43% of all inmates live in such prisons

Population density in State prisons, BJS Special Report, NCJ-103204, December 1986, table 9.

What are the characteristics of State prisons?

Characteristics	Number of prisons	Number of inmates
Total	694	381,955
Region		
Northeast	104	66,302
Midwest	139	77,665
South	330	167,313
West	121	70,675
Size		
Less than 500 inmates	451	85,176
500-1,000	139	102,746
More than 1,000	104	194,633
Custody level		
Maximum security	144	127,573
Medium security	293	170,734
Minimum security	255	76,009
Unclassified	1	7,639
Sex of facility inmates		
All males	613	348,725
All females	47	12,986
Co-ed	34	20,244
Age of facility		
Over 100 years	37	45,370
50-99 years	111	86,704
25-49 years	150	67,224
15-24 years	95	50,800
5-14 years	162	74,481
5 years or less	138	57,675
Not known	1	1

Source: Population density in State prisons, BJS Special Report, NCJ-103204, December 1986, tables 1 and 9.

Prisons employ about 1 staff member for every 3 inmates

Full-time staff in State prisons, by job function, and ratio of inmates to staff, 1979 and 1984.

Type of staff	Number of staff		Inmates per staff member	
	1979	1984	1979	1984
Total*	91,062	135,471	2.9	2.8
Administrative	4,828	4,914	54.6	76.7
Custodial	57,467	92,153	4.6	4.1
Treatment/Professional	12,885	18,090	20.5	20.8
Other**	15,862	20,314	16.6	36.4

Note: Censuses were conducted on June 30, 1979, and June 30, 1984.

*Total includes small number of full-time employees who could not be classified by occupational category.

**Includes clerical and maintenance and food service employees.

Sources: BJS 1984 Census of State adult correctional facilities, NCJ-105585, August 1987, and BJS 1979 Census of State Adult Correctional Facilities, unpublished data.

About 3% of State inmates live in State-operated, community-based facilities

BJS 1984 Census of State Adult Correctional Facilities, NCJ-105585, August 1987.

Also see "Halfway Houses" by Harry E. Allen, Eric W. Carlson, Evalyn C. Parks, and Richard P. Seiter, National Institute of Justice, U.S. Department of Justice, November 1978, p. 2.

Facilities and residents in State prisons and State-operated, community-based facilities by sex, June 30, 1984

	Number of prisons			Number of residents	
	Male	Female	Co-ed	Male	Female
State prisons					
U.S. total	613	47	34	366,132	15,823
Northeast	93	5	6	64,058	2,244
Midwest	120	12	7	74,418	3,247
South	305	17	8	160,301	7,012
West	95	13	13	67,355	3,320
State-operated, community-based facilities					
U.S. total	154	26	29	12,304	1,050
Northeast	27	2	1	1,563	105
Midwest	41	5	8	2,433	200
South	73	17	15	7,470	661
West	13	2	5	808	84

Source: BJS 1984 Census of State Adult Correctional Facilities, NCJ-105585, August 1987.

Facilities and capacities: State-operated, community-based facilities, June 30, 1984, by region

Rated capacity	Number of facilities				
	Total	North-east	Mid-west	South	West
Total facilities	209	30	54	105	20
0-49 inmates	92	20	26	34	12
50-99	65	7	23	30	8
100-149	33	0	3	27	0
150-199	14	1	2	11	0
200+	5	2	0	3	0
Total rated capacity	14,649	1,764	2,908	8,954	1,023
Total design capacity	13,212	1,372	2,799	8,031	1,010

Source: BJS 1984 Census of State Adult Correctional Facilities, NCJ-105585, August 1987.

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Prison crowding is a major issue in nearly every State

Recent growth in State and Federal prison populations has been substantial

Population density in State prisons, BJS Special Report, NCJ-103204, December 1986.

Percent change in sentenced prison population from 1980 to 1985, by region and State

Region	Percent decrease	Percent increase					
		0-19%	20-39%	40-59%	60-79%	80-99%	100% or more
Northeast			Vermont 21.9	Rhode Island 57.6 Maine 53.5 Connecticut 47.0	Pennsylvania 74.1 Massachusetts 72.9 New York 60.4		New Hampshire 109.5 New Jersey 103.7
Midwest		Michigan 17.7 Minnesota 17.1 Nebraska 14.7 Iowa 5.2	Wisconsin 32.2	Ohio 54.7 Indiana 53.1	Illinois 73.8 Missouri 72.9 South Dakota 65.2	North Dakota 91.9 Kansas 90.4	
South	Tennessee -1.1	North Carolina 10.7	West Virginia 37.2 Virginia 36.5 South Carolina 33.5 Georgia 27.8 Texas 15.6	Maryland 59.1 Arkansas 58.2 Louisiana 56.4 Florida 40.0	Oklahoma 76.8 Delaware 69.5 Dist. of Columbia 69.3 Alabama 68.8 Mississippi 63.7 Kentucky 60.7		
West			Colorado 29.1	Montana 57.6 Washington 57.1 Oregon 52.4 Idaho 41.9	New Mexico 76.1 Idaho 69.0 Utah 67.0	Arizona 89.5	Alaska 159.9 Hawaii 128.8 Nevada 112.6 California 107.5
Regional totals			South 37.4	Midwest 46.9	Northeast 58.6	West 89.6	
U.S. summary				Federal 58.6 Total 52.4 State 52.0			

Note: Sentenced prisoners are those with sentences of more than a year.

Source: Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986, table 4.

Square feet of housing space, by year of original prison construction and region, 1885-1984

	Total square feet	Total	Percent of square feet in prisons constructed in--					
			1885 or earlier	1886-1935	1936-1959	1960-1969	1970-1979	1980-1984
U.S. total	21,065,502	100%	10.1%	23.3%	16.3%	12.5%	20.7%	17.1%
Northeast	3,895,701	100	12.4	26.1	9.6	10.1	27.5	14.4
Midwest	4,310,535	100	16.0	35.2	9.0	6.7	19.6	13.5
South	9,251,244	100	7.3	19.2	19.2	10.8	22.0	21.4
West	3,608,022	100	7.9	16.6	24.8	26.3	11.1	14.3

Note: Excludes infirmary space.

Source: BJS Prison Census 1984, unpublished data.

In what kind of space are prison inmates confined?

	Number of inmates		
	Single occupancy	Multiple occupancy	Total
Special housing	22,862	9,809	32,671
General housing	100,353	234,929	335,282
Less than 60 sq. ft. per person	41,225	165,805	207,030
More than 10 hours per day	15,626	57,771	73,397
Less than 10 hours per day	25,599	108,034	133,633
More than 60 sq. ft. per person	59,128	69,124	128,252
More than 10 hours per day	17,964	19,632	37,596
Less than 10 hours per day	41,164	49,492	90,656

Note: Based on the 100,353 inmates in single-occupancy general housing and the 234,929 inmates in multiple-occupancy general housing. Special housing is excluded because, by definition, inmates in such housing generally are kept in their housing units and are not eligible to participate in regular prison programs.

Source: Population density in State prisons, BJS Special Report, NCJ-103204, December 1986, table 8.

Many States hold prisoners in local jails because of prison crowding

Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986.

A number of States may release inmates earlier than usual to control prison populations

Prisoners in 1985, BJS Bulletin, NCJ-101384, June 1986, and BJS Setting Prison Terms Survey, January 1, 1985.

Various measures are used to assess crowding

Manual of standards for adult correctional institutions, Commission on Accreditation for Corrections (Rockville, Md.: American Correctional Association, 1977), p. 27.

States vary widely in the amount of housing space available to State prison inmates

Note: Table is based on 367,953 inmates in general and special housing on June 30, 1984. It excludes infirmary space and inmates housed in infirmaries.

Data derived from Population density in State prisons, BJS Special Report, December 1986.

Prison space varies by housing type

Population density in State prisons, BJS Special Report, NCJ-103204, December 1986, table 3.

Prisons with the highest densities hold about a quarter of prison inmates

Population density in State prisons, BJS Special Report, NCJ-103204, December 1986, p. 5 and table 9.

Juvenile offenders are housed in many kinds of facilities

More than 83,000 juveniles were in custody during 1984

Juveniles held in public and private juvenile facilities, by reason held, 1985

Reason held	Number of juveniles		
	Total	Public	Private
Total	83,402	49,322	34,080
Juvenile detained or committed for:			
Delinquent acts^a	57,743	46,086	11,657
Violent	14,093	12,245	1,848
Murder, forcible rape, robbery, and aggravated assault	9,466	8,656	810
Other	4,627	3,589	1,038
Property	27,918	22,020	5,898
Burglary, arson, larceny-theft, and motor vehicle theft	19,312	16,129	3,183
Other	8,606	5,891	2,715
Alcohol/drug offenses	3,356	2,660	696
Public order offenses and probation violations	6,899	6,493	406
All other offenses ^b	5,477	2,668	2,809
Nondelinquents	25,451	3,104	22,347
Status offenses ^c	9,019	2,293	6,726
No offenses ^d	9,280	512	8,768
Juveniles voluntarily admitted	7,152	299	6,853
Other^e	208	132	76

Note: Data are for February 1, 1985.

^aActs that would be criminal if committed by adults.

^bIncludes unknown and unspecified offenses.

^cActs that would not be criminal for adults such as running away, truancy, and incorrigibility.

^dThose held for dependency, neglect, abuse, emotional disturbance, or mental retardation.

^eIncludes unspecified acts.

Sources: Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986, and Children in Custody 1985, unpublished data.

Juvenile facilities are classified by the term of stay and type of environment

	Number			Percent		
	Total	Public	Private	Total	Public	Private
Juvenile facilities						
Total	3,036	1,040	1,996	100%	34%	66%
Short-term						
Institutional	47	428	43	16	14	1
Open	180	53	127	6	2	4
Long-term						
Institutional	487	253	234	16	8	8
Open	1,898	306	1,592	63	10	52
Juveniles						
Total	83,402	49,322	34,080	100%	59%	41%
Short-term						
Institutional	15,789	15,286	503	19	13	1
Open	1,368	453	915	2	1	1
Long-term						
Institutional	32,696	25,266	7,430	39	30	9
Open	33,549	8,317	25,232	40	10	30

Sources: Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986, and Children in Custody 1985, unpublished data.

Public and private facilities generally hold different types of juveniles

Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986, and Children in Custody 1985, unpublished data.

Most juvenile facilities are private, but about three-fifths of the juveniles are held in public facilities

Children in custody: Public juvenile facilities, 1985, BJS Bulletin, NCJ-102457, October 1986, tables 6 and 7, and Children in Custody 1985, unpublished data.

Most juvenile facilities are small; 80% are designed to house 40 residents or less

Children in custody: Public juvenile facilities, 1985, BJS Bulletin, October 1986, and Children in Custody, 1985, unpublished data.

What is the staffing ratio of juvenile facilities?

BJS Children in custody: 1982/83 Census of Juvenile Detention and Correctional Facilities, NCJ-101686, September 1986, table 8.

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How many offenders return to criminal activity after they are released?

Measures of recidivism vary; more offenders are rearrested than reconvicted and more are reconvicted than reincarcerated

Recidivism of young parolees, BJS Special Report, NCJ-104916, May 1987, tables 2 and 3.

These data obtained by merging parole records from the Uniform Parole Reports (UPR) in 1978 and FBI rap sheets, printed in January 1985.

These criminal-history records are a sample of those for an estimated 11,344 prisoners between ages 18 and 22, who were released on parole in 22 States. After deleting the records of prisoners who had died (39) and those with duplicate parole records (22), valid FBI numbers and rap sheets were identified for 4,002 (80%) of the 5,028 parolees in the original UPR sample. To adjust for differences in coverage among the reporting States, weights were introduced. Measures of rearrests, conviction, and reincarceration are based on weighted data only.

The number of prior arrests is strongly related to the probability of rearrest and reincarceration after release from prison

Recidivism of young parolees, BJS Special Report, NCJ-104916, May 1987, tables 5 and 6.

Younger releasees have higher rates of returning to prison

Examining recidivism, BJS Special Report, NCJ-96501, February 1985, table 5.

Most prison inmates have prior convictions

Examining recidivism, BJS Special Report, NCJ-96501, February 1985, table 12.

Over a 20-year period, an estimated half of all releasees will return to prison, most in the first 3 years after release

Constructing a 20-year estimate for returning to State prison

(A)	(B)	(C)	(D)	(E)	(F)
Year of last release	Number entering prison in 1979	Total number released from State prison in that year	Percent returning to prison by 1979 (B/C)	Cumulative return rate through year 20	Percent of total returns occurring in each year*
1979	18,067	128,980	14.01%	14.01% (1)	28.7%
1978	11,212	118,920	9.43	23.44 (2)	19.3
1977	6,923	116,162	5.96	29.40 (3)	12.2
1976	4,466	108,442	4.12	33.52 (4)	8.5
1975	3,869	109,035	3.55	37.07 (5)	7.5
1974	2,602	91,183	2.85	39.92 (6)	5.8
1973	1,735	95,324	1.82	41.74 (7)	3.7
1972	1,135	96,373	1.18	42.92 (8)	2.4
1971	967	96,701	1.00	43.92 (9)	2.1
1970	653	76,649	0.85	44.77 (10)	1.7
1969	654	74,109	0.88	45.65 (11)	1.2
1968	585	70,250	0.83	46.48 (12)	1.7
1967	489	79,835	0.61	47.09 (13)	1.3
1966	114	83,237	0.14	47.23 (14)	0.3
1965	326	86,876	0.38	47.61 (15)	0.8
1964	184	87,030	0.21	47.82 (16)	0.4
1963	307	85,101	0.36	48.18 (17)	0.7
1962	206	86,589	0.24	48.42 (18)	0.5
1961	170	81,599	0.21	48.63 (19)	0.4
1960	90	77,870	0.12	48.75 (20)	0.2

Note: Column B derive from table 2 of source. Column C derived from National Prisoner Statistics. Does not include those released from prison prior to 1960. Column F was calculated by dividing column D by 48.75 from column E.

* Total returns over the 20-year period.
Source: Examining recidivism, BJS Special Report, NCJ-96501, February 1985, table 3.

Chapter V.

The cost of justice

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How much does crime cost?

The total cost of crime to society has been estimated, but the actual figure is unknown

Wharton Econometric Forecasting Associates, Inc.--Sima Fishman, Kathleen Rodenrys, and George Schink, "The income of organized crime," in President's Commission on Organized Crime, The impact: Organized crime today (Washington: USGPO, April 1986), pp. 413-439.

Some costs of crime have been measured

BJS National Crime Survey and Economic cost of crime to victims, BJS Special Report, NCJ-93450, April 1984.

Abt Associates, Inc., Unreported taxable income from selected illegal activities, prepared for the Internal Revenue Service, September 1984, pp. 205-208.

Hendrick J. Harwood, Dane M. Napolitano, Patricia A. Kristiansen, and James J. Collins, Economic cost to society of alcohol and drug abuse and mental illness: 1980 (Research Triangle Park, N.C.: Research Triangle Institute, June 1984).

"Facts for consumers: Credit and charge card fraud," Federal Trade Commission, November 8, 1984.

Electronic fund transfer fraud, BJS Special Report, NCJ-96666, March 1985.

U.S. Secret Service, U.S. Department of the Treasury, in BJS Sourcebook of criminal justice statistics, 1984, NCJ-96382, October 1985, p. 540.

Research Triangle Institute in U.S. Department of Health and Human Services, Toward a national plan to combat alcohol abuse and alcoholism: A report to the United States Congress, September 1986, table 2-4.

Income tax compliance research: Estimates for 1973-81. Internal Revenue Service (Washington: USGPO, July 1984).

Security World magazine, "Key market coverage, 1981," in Cunningham and Taylor, Private security and police in America: The Hallcrest report (Portland, Oreg.: Chaneller Press, 1985).

Justice expenditure and employment in the U.S., 1985, BJS Bulletin, NCJ-104460, March 1987, table 2.

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How much does government spend for justice?

In 1985 less than 3% of all government spending was for criminal and civil justice

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987. Governmental finances in 1984-85, U.S. Bureau of the Census, table 1.

State and local governments spend a larger share of their total budgets for criminal justice than the Federal Government

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987. Governmental finances in 1984-85, U.S. Bureau of the Census, table 2.

Police and corrections account for a small portion of government spending

Federal, State, and local expenditures, 1985

Purpose of expenditure	Billion dollars	Level of government ^a
Social insurance trust payments	\$328.8	Mainly Federal: Federal \$284.6 State 37.9 Local 6.3
Social Security		
Unemployment compensation		
Worker's compensation		
Public employee retirement		
Veterans' life insurance		
National defense and international relations	288.7	100% Federal ^b
Education	205.9	Mainly local: Federal \$28.0 State 128.6 Local 139.2
Interest on general debt	172.7	Mainly Federal: Federal \$140.3 State 15.0 Local 17.4
Public welfare	94.8	Mainly Federal and State: Federal \$68.3 State 67.3 Local 18.2
Old age assistance		
Aid to families with dependent children		
Aid to the blind		
Aid to the disabled		
General relief		
Environment and housing	107.1	
Hospitals and health	63.7	
Transportation	57.2	
Police, judicial services, and corrections ^c	48.5	Mainly State and local Federal \$6.4 State 18.3 Local 27.4
Postal service	28.9	
Space research and technology	7.3	

^aNot included - government administration (\$37.2 billion) other and unallocable (\$52.1 billion), utility and liquor stores (\$59.8 billion), social insurance administration (\$6.3 billion), libraries (\$7.6 billion), veterans services (\$17 billion), and fire protection and protective inspection and regulation (\$12.4 billion). "Social insurance trust payments" is insurance trust expenditure in source.

^bDetail does not equal totals because duplicative intergovernmental amounts are excluded from totals.

^cAmounts spent by States on National Guard forces are reported in a residual category.

^dThis is the amount reported in the sources; it varies from the 1985 justice expenditure amount from the source used throughout the rest of this chapter.

Source: Governmental finances in 1984-85 (GP85, No. 5), table 2. U.S. Bureau of the Census.

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Patterns of justice financing and spending highlight the different responsibilities at each level of government

State and local governments pay 88% of all government costs for criminal and civil justice

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987.

The dominance of municipal spending for the justice system has been diminishing

	Percent of justice expenditure			
	Federal	State	County	City
1971	11.55%	25.50%	20.47%	42.49%
1972	12.81	25.13	20.69	41.38
1973	12.69	25.40	21.57	40.34
1974	12.53	26.21	21.73	39.53
1975	12.68	26.74	22.20	38.38
1976	12.45	26.44	23.35	37.76
1977	12.88	26.94	23.49	36.69
1978	12.94	27.72	23.25	36.09
1979	12.98	28.40	23.23	35.39
1995	12.5	32.2	22.9	32.4

Source: BJS Justice expenditure and employment in the U.S., 1971-79, NCJ-92596, December 1984, and 1985, NCJ-106356, forthcoming.

State and county shares of justice system costs are increasing

BJS Justice expenditure and employment in the U.S., 1971-79, NCJ-92596, December 1984, and 1985, NCJ-106356, forthcoming.

Cities and towns spend most of their justice dollars for police protection

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987, table 3.

Per capita costs for police protection are higher for large than for smaller cities

"City police expenditure data: 1946-85" (data tape compiled from annual U.S. Census Bureau surveys of governmental finance; tape available from the National Criminal Justice Data Archive, Inter-university Consortium for Political and Social Science, University of Michigan), Ruth Triplett, Sue Lindgren, Colin Loftin, and Brian Wiersema, Institute of Criminal Justice, University of Maryland, 1987.

Corrections spending accounted for 3% of all State government spending in 1985

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987, tables 7 and 8.

48 cents of every justice dollar is spent for police protection

	Percent of justice expenditures				
	Police	Courts	Prosecution and public defense	Corrections	Other
Total	48.3%	12.7%	9.4%	28.6%	1.1%
Federal	6.1	1.9	2.5	1.5	.5
State	7.1	4.7	2.3	17.7	.4
County	8.1	4.8	3.0	7.0	.1
Municipal	27.1	1.4	1.6	2.3	.1

Source: BJS Justice expenditure and employment in the U.S., 1985, NCJ-106356, forthcoming.

State governments spend more than half their justice dollars on corrections

Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987, tables 7 and 8.

This does not include interest payments for loans used for long-term financing of construction projects because it is not possible to separate

consistently such payments in the government records used to compile these data.

In most States, local spending for justice exceeds State government spending

BJS Justice expenditure and employment in the U.S., 1985, NCJ-106356, forthcoming, table 5.

Criminal justice services are funded predominantly by taxes raised in the jurisdiction where the services are performed

Justice system expenditures, by level of government, fiscal 1985

Expenditure type by level of government	Expenditures in thousands of dollars							
	Judicial and legal services							
	Total	Police protection	Total	Courts only	Prosecution and legal services	Public defense	Corrections	Other justice activities
All expenditures	\$45,607,142	\$22,013,594	\$10,070,199	\$5,780,163	\$3,235,732	\$1,054,504	\$13,221,488,928	4,290,236
Federal	5,819,476	2,767,514	1,998,901	852,095	803,548	343,261	776,581	274,477
Direct	5,683,841	2,767,514	1,998,901	852,095	803,548	343,261	706,653	210,770
Intergovernmental	135,635	0	0	0	0	0	71,928	63,707
State	16,013,455	3,511,035	3,360,030	2,262,380	800,095	297,555	8,883,654	258,736
Direct	14,663,715	3,227,814	3,172,303	2,122,148	771,693	278,462	8,080,703	152,895
Intergovernmental	1,349,740	283,221	187,727	140,232	28,402	19,093	802,951	75,841
Total local	25,372,747	16,025,853	4,934,711	2,840,787	1,660,856	433,668	4,316,481	95,702
Direct	25,259,586	16,018,266	4,899,192	2,805,320	1,660,491	432,781	4,246,865	95,263
Intergovernmental	113,161	7,587	35,519	34,867	265	287	69,616	439
County	10,563,171	3,688,740	3,558,054	2,202,504	1,034,947	350,603	3,252,103	64,274
Direct	10,465,369	3,677,977	3,526,243	2,172,353	1,004,222	349,668	3,197,603	63,546
Intergovernmental	97,802	10,763	31,811	30,151	725	935	54,500	728
Municipal	15,064,352	12,512,804	1,401,212	655,733	659,697	85,782	1,118,504	31,832
Direct	14,794,217	12,340,289	1,372,949	633,567	656,269	83,113	1,049,262	31,717
Intergovernmental	270,135	172,515	28,263	22,166	3,428	2,669	69,242	115

Note: Intergovernmental expenditure consists of payments from one government to another. Such expenditure eventually will show up as a direct expenditure of a recipient government. Duplicative transactions between levels of

governments are excluded from the totals for all governments and local governments. Data were not collected in sufficient detail to break out Federal payments being passed through State governments.

Source: BJS Justice expenditure and employment in the U.S., 1985, NCJ-106356, forthcoming.

Pages 118-119

Private sector involvement in the criminal justice system is growing

Governments are making greater use of the private sector to perform criminal justice services

Keon S. Chi, "Privatization: A public option," State Government News, Council of State Governments (June 1985), 28(6): 19-24.

Privatization in criminal justice often refers to private sector involvement in corrections

George E. Sexton, Franklin C. Farrow, and Barbara A. Auerbach, The private sector and prison industries, NIJ Research in Brief, NCJ-96525, National Institute of Justice, U.S. Department of Justice, August 1985.

Joan Mullen, Corrections and the private sector, NIJ Research in Brief, NCJ-94071, National Institute of Justice, U.S. Department of Justice, March 1985.

Many States are pondering private sector options in corrections, but few have opened private facilities

Mary Fairchild, "Criminal justice and the States: A preview of legislative issues," National Conference of State Legislatures, Denver, unpublished.

The corrections yearbook: Instant answers to key questions in corrections, George M. and Camille Graham Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), p. 44.

Pages 120-121

What are the trends in justice spending?

Sources of historical spending data

Two sources of historical spending data are used in the trends analysis. Data from the Census Bureau's annual finance surveys and censuses of governments provided data for the trend analysis for 1902-1985, 1960-1985, and for city police from 1946 to 1985. This source provided only police expenditures (1902 to present) and corrections (1952 to present). The BJS annual survey of criminal justice expenditure and employment (CJEE) provided more detailed data for 1971-79 and 1985 for police, prosecution, courts, public defense, corrections, and a residual "other" category.

Thus, for 1971 to 1979 and 1985, police and corrections data are available from both sources. These two sources use slightly different classification procedures and produce slightly different data. Because the CJEE data are collected by a survey dedicated to criminal justice with more intensive training of field agents and more extensive quality control checks and edits of the justice data, the CJEE is regarded as producing more accurate and comprehensive justice data than the more general finance surveys. Justice expenditure and employment extracts: 1980 and 1981, NCJ-95007, June 1985, discusses some of the differences in "Survey methodology: Sources and limitations of data," pp. 5-16.

How were expenditures adjusted to constant 1985 dollars

Three sets of historical data from the two sources were adjusted to constant 1985 dollars:

- 1960 to 1985 data from the annual finance survey for various government functions including police, corrections, and nonjustice activities
- 1946 to 1985 police expenditure data from the annual finance survey for 496 cities with a population of 50,000

or more at some point during that period

- 1971 to 1979 and 1985 data from the CJEE for police, prosecution, courts, public defense, corrections, and other justice.

General description

"Implicit price deflators" provided by the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce were used to adjust dollar figures prior to 1984 to produce historical expenditure data in constant 1985 dollars. Use of these deflators not only accounts for inflation, it also accounts for changes in the mix of goods and services purchased by governments. The implicit price deflators were selected over BEA's "fixed weighted index" because the latter assumes the same mix of purchases of goods and services over time and BJS wanted to take such changes into account.

The BEA has a wide variety of deflators for the purchase of specific types of goods and services in both the private and public sectors. Deflators were selected as described below to attempt to match the substantive referent of the deflator to the content of the figure to be adjusted. A perfect match was rarely possible because deflators have never been developed specifically for criminal justice expenditures. The selected deflators are identified in the specific method discussions below.

The BEA deflators use 1982 as the base year, that is, the deflators will produce data converted to 1982 dollars. To produce constant 1985 dollars, the deflators for 1946-84 were divided by the annual 1985 deflator; the result was then divided into the historical expenditure data to produce constant 1985 dollars.

The general formula is as follows:

$$A_t/B_t/C = D_t$$

where,

- A = Dollar amount to be adjusted in year t
- B = Implicit price deflator for year t
- C = 1985 annual implicit price deflator
- D = Dollar amount in constant 1985 dollars for year t

The annual implicit price deflators were used, but greater precision could have been obtained by attempting to match quarterly deflators to the October payroll period, for example, or by averaging quarterly deflators to make the deflator more closely match the fiscal year reference period of the expenditure data. The effects of this were examined for a few figures and the resulting increase in precision was found to be lost in rounding the adjusted data to thousands or millions of dollars. The additional effort did not appear to be warranted for the gross comparators for which these data are used in the text.

Deflating the 1969-84 data from the Annual Government Finance Survey

In general--

- Salary data were deflated using the State and local government implicit deflators for "noneducation compensation" or "education compensation," as appropriate.
- Capital outlay expenditure data were deflated using State and local government implicit price deflators for "structures."
- Other expenditures were deflated using State and local government implicit price deflators for "purchases of nondurable goods" and "purchases of services other than compensation." In many cases, rough estimates of the portions of expenditure going for specific types of purchases had to be made; these are described below.

Education. The annual "education compensation" deflators were used because the bulk of education expenditure is for salaries.

Public welfare. The annual "personal consumption" deflators were used for the "categorical" and "cash assistance" components of public welfare because these programs provide cash directly to citizens who use it for personal consumption. The annual "noneducation compensation" deflators were used for the "other public welfare" component because this category includes administration of welfare programs, which is mainly employee compensation.

Highways. The annual "State/local structures" deflators were used for the

"capital outlay" component of highway expenditure because they most closely matched the construction nature of the component. The remainder of highway expenditure was adjusted using "noneducation" deflators as that component is personnel intensive.

Hospitals and health. Half the expenditure was adjusted using the "noneducation compensation" deflators to reflect salaries; a quarter was adjusted using the "State and local government purchase of nondurable goods" deflator to reflect the cost of those supplies; and a quarter was adjusted using the "State and local government purchase of other services" deflators.

Police and corrections. The monthly payroll data for October of each fiscal year was annualized by multiplying by 12. October payroll was used for the fiscal year it fell in, which is different from the survey year. For example, October 1979 payroll data were collected with fiscal 1979 expenditure data, but the payroll data were used in adjusting fiscal 1980 data because that is the fiscal year it fell in (July 1, 1979 - June 30, 1980). These estimates of annual payroll were adjusted using the "noneducation compensation" deflators. Capital outlay data were adjusted using the "State and local government structures" deflators. (See section below, "Estimating missing capital outlay data for police and corrections.") The remainder for each year was prorated for "other services" and "nondurable goods" by multiplying them by the following factors supplied by BEA:

Year	Services	Nondurables
1985	.5207	.4793
1984	.4690	.5310
1983	.4546	.5404
1982	.4459	.5541
1981	.4087	.5913
1980	.3901	.6099
1979	.975	.6025
1978	.4988	.5912
1977	.4019	.5981
1976	.4537	.5463
1975	.5086	.4914
1974	.5651	.4349
1973	.6198	.3802
1972	.6814	.3186
1971	.6821	.3179
1970	.6828	.3172
1969	.6834	.3166
1968	.6841	.3159
1967-60	.6634	.3366

The resulting figures were adjusted using the appropriate State and local government deflators for services and nondurables.

Deflating 1971-79 data from the Justice Expenditure and Employment Survey

The expenditures for each individual sector (police protection, courts, legal services and prosecution, public defense, corrections, and other) were deflated as follows--

- The annual payrolls were estimated by multiplying the monthly payroll for the October of each fiscal year by 12; these were adjusted using the "State and local government noneducation compensation" deflators. As noted above, the method used the October falling into the fiscal year being adjusted, not the collection year.
- Capital outlay was adjusted using the "State and local government structures" deflators (after verifying that only a small proportion of capital outlay was for land purchase, which would require a different deflator).
- The remainder for each year was prorated for "services" and "nondurable goods" by multiplying them by BEA factors presented above. The resulting figures were adjusted using the appropriate State and local government deflators for services or nondurables.

Deflating 1946-84 city police data

The city police expenditure data were not collected in enough detail to allow disaggregation and application of deflators for compensation, capital outlay, and so on. Although these are data for individual cities, only national deflators are available, hence it was not possible to account for regional or other geographic variations in inflation or price changes. As a result, the annual national index of State and local purchase of goods and services price deflator was used (after being "reset" to produce constant 1985 dollars as described above).

Source of implicit price deflators

"Personal Consumption" and "total purchases" deflators are from U.S. Department of Commerce, Bureau of Economic Analysis, The national income and product accounts of the United States, 1929-82 and Surveys of current business, July 1986, Washington: USGPO, table 7.4.

The remaining State and local government implicit price deflators were provided by BEA but are unpublished.

Treatment of fringe benefit amounts in deflation procedures

Background

One limitation of the deflation procedure used for the expenditure data is that the government implicit price deflators take into account employer contributions for fringe benefits, whereas the 1971-79 and 1985 expenditure data from the Survey of Criminal and Civil Justice Expenditure and Employment (CJEE) systematically exclude them. (They were systematically excluded because many governments make such contributions from the general fund covering all employees and cannot report the justice amounts separately.) There is no deflator available that excludes employer contribution for fringe benefits.

To the extent that fringe benefit amounts increased over time at a different rate than other justice expenditures, the deflation procedure will not produce comparable data over time because the deflators will account for this difference but the expenditure amounts will not. There is reason to believe that the fringe benefit expenditures may have increased more rapidly than other justice expenditures over the period 1971-85 as a result of (1) increased unionization, particularly in police and corrections, and (2) an attempt to attract more highly qualified applicants to improve "professionalization" of police and corrections departments.

Because of this, an attempt was made to determine if the data could be adjusted to correct for this, or, if not, to determine the effects of not making such an adjustment.

The annual CJEE survey provided a space on the mail questionnaire and data collection forms used by the field agents for the collection of employer contributions to fringe benefits. These data were examined in this special analysis.

Estimating missing capital outlay data for police and corrections

In the 26-year series 1960-85, capital outlay data were missing for 15 years for police and for 14 years for corrections. The table below shows in bold face the data that were estimated. Prior to 1977 these data were available only for the quinquennial census years (e.g., 1972, 1967, 1962, and 1957) allowing the simple interpolation of data for the intervening noncensus years.

However, police capital outlay data could not be located for any year prior to 1967. Police capital outlay data for those years were assumed to be the same proportion of the total as found in the years when the data were actually collected (4.57%).

Results of estimating capital outlay for police and corrections
(dollar amounts in millions)

Year	Police protection			Corrections		
	Total	Amount	Percent	Total	Amount	Percent
1985	\$20,956	\$962	4.59%	\$12,839	\$1,698	13.23%
1984	19,262	799	4.15	11,088	1,446	13.04
1983	17,934	724	4.04	9,783	1,243	12.71
1982	16,461	746	4.50	8,483	1,006	11.86
1981	14,947	687	4.60	7,393	907	12.27
1980	13,494	642	4.76	6,448	789	12.24
1979	12,207	558	4.57	5,534	624	11.27
1978	11,306	547	4.83	4,981	560	11.25
1977	10,445	497	4.76	4,359	508	11.65
1976	9,531	458	4.81	3,784	444	11.74
1975	8,526	419	4.91	3,375	381	11.28
1974	7,289	380	5.21	2,805	317	11.30
1973	6,780	341	5.03	2,383	254	10.66
1972	6,005	302	5.03	2,112	190	9.00
1971	5,228	269	5.15	1,885	182	9.66
1970	4,494	236	5.25	1,626	173	10.64
1969	3,901	203	5.20	1,391	165	11.86
1968	3,410	170	4.99	1,270	156	12.28
1967	3,049	137	4.49	1,139	148	12.99
1966	2,776	127	4.57	1,020	144	14.12
1965	2,549	116	4.57	974	140	14.37
1964	2,366	108	4.57	883	136	15.40
1963	2,237	102	4.57	821	132	16.08
1962	2,130	97	4.57	790	128	16.20
1961	2,017	92	4.57	763	117	15.33
1960	1,857	85	4.57	678	106	15.63

Note: Amounts in boldface are estimated; see text for description of methods.

Limitations of the analysis

The analysis used the 1971-79 longitudinal data tape. The data have several important limitations:

- The CJEE survey included the item for fringe benefit data only to provide a place for respondents who were able to report fringe benefit amounts to avoid having them included in the total expenditure amounts.
- Because the Census Bureau included the questionnaire items only to prevent the data being reported in the totals, there were no quality control procedures, nonresponse followup, or edit checks performed.
- There is considerable missing data. Police fringe benefit data are the best reported, yet the data are missing for 77% of the jurisdictions in 1971 and 43% in 1979. For corrections, the comparable figures are 96% missing in 1971 and 86% missing in 1979. The judicial categories generally showed missing data from the high 70 percents into the 90 percents.
- Actual zeros are reported for fringe benefits on the data tape, but it is unknown if they represent true zeros or missing data. (They are treated as missing data in the special analysis.)
- Some data appear to be unreasonable and the result of errors in either reporting data or in processing or key punching. For example, the analysis of police data for 1971 and 1979 turned up jurisdictions where contributions for fringe benefits exceeded 90% of the total expenditure, although limiting the analysis to jurisdictions reporting in both years excluded all but one of these. Because there was no basis to define a cutoff beyond which the higher reported percents for fringe benefits were unreasonable, no attempt was made to exclude them from the analysis.
- There appear to be some errors in the population data contained on the data tape: there are 10 jurisdictions reporting less than 10 persons and 207 with populations of less than 100.
- 1985 data were not available on the longitudinal file used for the analysis at the time it was completed. The analysis will be repeated to include the 1985 data.
- The data tape contains sample weights, but not the factors used to adjust the data for nonresponse that are necessary to produce weighted

estimates; hence the analysis here uses unweighted data and the government as the unit of analysis.

Scope and methods of the analysis

Because of these limitations and the complexity and time-consuming nature of the analysis, this initial analysis focused on police expenditure data for 1971 and 1979. (The analysis will be repeated using 1985 data when they become available on the longitudinal file.) Police expenditure data were selected also because they had the lowest rates of missing data and because it is believed that police make higher employer contributions to fringe benefits than other justice sectors. Moreover, police expenditure accounts for close to half of total justice expenditure.

The current analysis examined 2,232 State and local governments that had complete data for both years (44 States, 647 counties, 1,364 cities, and 177 towns). This represented 16.7% of the total 13,351 jurisdictions included in the data file.

The study computed new police expenditure totals to include government payments for fringe benefits and examined the percent that fringe benefits contributed to those new totals.

Questions about the representativeness of the available fringe benefit data preclude attempting to adjust the expenditure data on the basis of what was collected for 1971-79 and 1985. However, an attempt was made to estimate the effect of not having fringe benefit data in the expenditure amounts but having them accounted for in the deflators. For this part of the analysis, 1971 and 1979 State and local total police expenditures were adjusted to constant 1980 dollars using the deflation methods described earlier in this technical appendix. State governments were treated separately from local governments because the States reported lower percents for fringe benefits. It was not possible to adjust counties separately from cities and towns because the October 1970 payroll data used in the deflation are available only for total local governments.

The constant 1980 dollar amounts were then adjusted to include fringe benefit amounts by dividing the expenditure data by the "complement" of the proportion of total expenditure accounted for by fringe benefits for reporting jurisdictions. (For example, in 1971 the mean percent of State government expenditure for fringe benefits was 3.9%. The U.S. total State government expenditure for police protection was divided by .961, which is 1.000 minus .039.) In effect, this estimated what the State government police expenditure including fringe benefit contributions would be if all States had the same contribution ratios as those reporting data for both 1971 and 1979.

Findings

- The mean percent that fringe benefits contributed to the new totals varied by type of government and increased from 1971 to 1979. For State governments, it increased from 2.9% to 7.5% of the total, for counties, from 6.5% to 9.9%, for cities, from 8.95% to 11.9% (table 1).
- In nearly all jurisdictions fringe benefits accounted for less than 10% of the total expenditure in 1971 (90% of the States, 92% of the counties, 75% of the cities, and 84% of the towns) (table 2).
- While higher proportions of expenditure for fringe benefits were reported in 1979, they still accounted for less than 20% in nearly all jurisdictions (100% of the States, 97% of the counties, 91% of the cities, and 89% of the towns).
- Examination of population data was confounded by the data errors noted above, but there did not seem to be a strong relationship between reporting of fringe benefit data and population size.
- If employer contributions to fringe benefits are similar across the Nation as in those governments reporting for both 1971 and 1979, the deflation procedure understates the constant dollar increase by about 4 percentage points (table 4).
- The overall per capita amounts (which are the only adjusted amounts presented from CJEE in the Report to the Nation) are also understated, but not by amounts that would be seriously misleading: \$4.19 in 1971 and \$7.01 in 1979 (table 5).

Conclusions

There is no basis on which to adjust the expenditure data nor the deflators because of missing data and questions regarding the representativeness of the available data; however, the text of the Report to the Nation will briefly discuss the probable understatement and refer readers to this analysis in the Technical Appendix.

Table 1. Mean percent contribution of fringe benefits to total police expenditure, by level of government, 1971 and 1979

Level of Government	Number	Mean percent for fringe	
		1971	1979
State	44	3.9%	7.5%
County	647	6.5	9.9
City	1,364	9.0	12.0
Town	177	7.5	14.1

Table 2. Percent of governments with fringe benefits accounting for less than 10% and less than 20% of total police expenditures, by level of government, 1971 and 1979

Level of government	Percent	
	1971	1979
State		
Less than 10%	90.0	61.4
Less than 20%	100.0	100.0
County		
Less than 10%	91.8	68.0
Less than 20%	99.1	97.2
City		
Less than 10%	75.3	48.4
Less than 20%	98.9	91.0
Towns		
Less than 10%	83.6	37.3
Less than 20%	98.9	88.7

Table 3. Total direct police expenditure in constant 1980 dollars, excluding and including estimated employer payments for fringe benefits, 1971 and 1979

Level of government	Excluding fringe	Including fringe
1971		
Total State and local	\$10,788,103	\$11,656,028
State	1,795,545	1,868,423
Local	8,992,558	9,787,605
1979		
Total State and local	\$12,925,424	\$14,500,719
State	2,170,010	2,346,885
Local	10,755,414	12,153,834

Table 4. Comparison of percent increase in police expenditure in constant 1980 dollars, by whether estimated fringe benefits expenditure is included, by level of government, 1971 to 1979

Level of government	Percent increase 1971-79		Difference (points)
	Excluding fringe	Including fringe	
Total	19.8%	24.4%	4.6
State	20.9	25.6	4.7
Local	19.6	24.2	4.6

Table 5. Comparison of per capita police expenditure amounts in constant 1980 dollars, by whether estimated fringe benefits expenditure is included, all State and local, 1971 and 1979

	1971	1979	Percent change
Excluding fringe	\$52.17	\$57.55	10.3%
Including fringe	\$56.36	\$64.56	14.3%

Governments adjust spending patterns in response to changing needs of society and shifts in the public's demand for services

Historical statistics of governmental finance and employment: 1982 Census of Governments and Governmental finances in 1982-83, 1983-84, and 1984-85, U.S. Bureau of the Census.

"City police expenditure data: 1946-85" (data tape compiled from annual U.S. Census Bureau surveys of governmental finance; tape available from the National Criminal Justice Data Archive, Inter-university Consortium for Political and Social Science, University of Michigan), Ruth Triplett, Sue Lindgren, Colin Loftin, Brian Wiersema, Institute of Criminal Justice, University of Maryland, 1987.

The State and local public welfare data illustrate changes in spending for social programs. The data do not include direct Federal assistance to individuals, such as Social Security, but they do include programs, such as Medicaid, that pass Federal money through State and local governments.

During 1960-85, per capita spending grew faster for corrections than for police protection

Historical statistics of governmental finance and employment: 1982 Census of Governments and Governmental finances in 1982-83, 1983-84, and 1984-85.

Long-term trends (1902-85, 1946-85, and 1960-85) for police and corrections are based on U.S. Bureau of the Census data; trends for 1971-85 are based on BJS data. Figures from the two sources for overlapping years vary somewhat. Because expenditure data from BJS are not available for employer contributions to fringe benefits, the rate of growth for 1971-85 is slightly understated. See technical appendix.

During this century, the police and corrections shares of State and local spending have not fluctuated as radically as the share for some other government functions

Percent of general expenditures of State and local governments

	Education	Highways	Welfare	Health and hospitals	Police	Corrections
1985	34.77%	8.12%	12.91%	6.50%	3.78%	2.32%
1984	34.87	7.82	13.2	7.82	3.81	2.20
1983	35.13	7.86	12.97	9.46	3.85	2.10
1982	35.31	7.90	13.27	9.36	3.78	1.94
1981	35.78	8.49	13.28	8.86	3.67	1.81
1980	36.09	9.03	12.81	8.72	3.66	1.75
1979	36.47	8.68	12.79	8.62	3.73	1.69
1978	37.19	8.29	13.18	8.40	3.81	1.68
1977	37.48	8.41	13.09	8.40	3.81	1.59
1976	37.87	9.31	12.70	8.06	3.71	1.47
1975	38.08	9.76	12.20	8.17	3.70	1.46
1974	38.11	10.03	12.61	8.11	3.66	1.41
1973	38.44	10.26	13.00	7.63	3.74	1.31
1972	39.05	11.29	12.53	7.73	3.56	1.25
1971	39.43	12.01	12.10	7.44	3.47	1.25
1970	40.14	12.51	11.18	7.36	3.42	1.24
1969	40.47	13.21	10.37	7.36	3.34	1.19
1968	40.19	14.14	9.62	7.37	3.33	1.24
1967	40.62	14.92	8.80	7.11	3.27	1.22
1966	40.18	15.41	8.16	7.13	3.35	1.23
1965	38.25	16.36	8.46	7.18	3.41	1.30
1964	37.93	16.83	8.32	7.08	3.41	1.27
1963	37.09	17.43	8.47	7.25	3.50	1.28
1962	36.90	17.20	8.44	7.21	3.54	1.31
1961	36.61	17.52	8.40	7.23	3.59	1.36
1960	36.08	18.17	8.49	7.31	3.58	1.31
1959	35.35	19.62	8.46	7.62	3.50	1.37
1958	35.49	19.10	8.51	7.72	3.59	1.19
1957	35.01	19.36	8.63	7.73	3.64	1.28
1956	36.01	18.94	8.55	7.55	3.62	1.27
1954	34.39	18.00	9.97	7.85	3.68	1.29
1952	31.87	17.80	10.68	8.37	3.60	1.29
1950	31.50	16.69	12.90	7.67	3.41	
1948	30.42	17.17	11.87	6.95	3.64	
1946	30.43	15.16	12.78	7.42	4.34	
1944	31.51	13.54	12.78	7.40	4.67	
1942	28.14	16.21	13.33	6.43	4.29	
1940	28.58	17.04	12.53	6.60	3.95	
1936	28.48	18.64	10.82	6.11	4.11	
1932	29.76	22.42	5.72	5.87	4.10	
1927	31.00	25.09	2.09	4.92	3.74	
1922	32.68	24.80	2.28	4.94	3.64	
1913	27.96	20.30	2.52	5.23	4.31	
1902	25.17	17.28	3.65	5.92	4.94	

Sources: Historical statistics of governmental finances and employment: Census of Governments, 1977 and 1982; Governmental finances in 1979-80 and 1984-85, Bureau of the Census, table 3.

Per capita spending by State and local governments for police and corrections increased more rapidly than for some other government functions during the past quarter century

Details on methodology used to produce constant dollars are at the beginning of this section.

Historical statistics of governmental finances and employment: Census of Governments, 1977 and 1982. Governmental finances in 1979-80, and 1984-85, U.S. Bureau of the Census.

Since 1979, spending rose faster for corrections than for any other justice action, while spending for police fell

Expenditure and employment data for the criminal justice system, 1969-70, Law Enforcement Assistance Administration, U.S. Department of Justice, February 1972

BJS Justice expenditure and employment in the U.S., 1979, NCJ-87242, December 1983; and 1985, NCJ-106356, forthcoming.

State and local spending for all justice functions increased from 1971 to 1985

Per capita spending for justice activities, 1971-79, 1985, in constant 1985 dollars

Year	All justice functions	Police protection	Courts, prosecution, public defense	Corrections
1985	\$167.23	\$80.62	\$33.81	\$51.64
1984	165.21	80.82	33.595	49.45
1983	163.19	81.027	33.38	47.263
1982	161.17	81.230	33.165	45.074
1981	159.15	81.433	32.95	42.886
1980	157.13	81.637	32.735	40.698
1979	155.11	81.84	32.52	38.51
1978	157.88	84.19	32.39	38.75
1977	154.55	81.36	30.05	37.89
1976	154.03	84.49	29.82	36.70
1975	146.60	81.44	27.81	34.95
1974	141.62	79.79	26.93	32.71
1973	137.63	79.15	25.71	31.14
1972	135.70	78.81	24.87	30.32
1971	132.80	76.72	24.21	30.94

Note: Data for 1980-84 are interpolated.

Sources: Expenditure and employment data for the criminal justice system, 1969-70, Law Enforcement Assistance Administration, U.S. Department of Justice, February 1972; Justice expenditure and employment in the U.S., 1979, NCJ-87242, December 1983, and 1985, NCJ-106356, forthcoming.

Large cities increased their spending for police services faster than smaller cities from 1946-85

Per capita spending for police in cities with populations of:

Year	500,000- or more	250,000-499,999	100,000-249,999	75,000-99,999	50,000-74,999
1946	\$46.88	\$36.75	\$36.30	\$34.33	\$33.66
1947	47.92	37.87	37.02	34.66	33.81
1948	46.69	36.52	35.60	33.26	32.44
1949	48.48	38.47	37.74	34.97	34.12
1950	51.03	39.90	38.84	34.37	33.56
1951	52.41	41.7	40.73	36.35	34.24
1952	54.18	43.18	41.73	37.36	35.18
1953	56.15	44.4	43.89	39.50	36.70
1954	58.89	47.27	44.72	40.69	38.69
1955	61.00	47.76	46.56	40.50	39.83
1956	61.20	49.33	46.50	40.98	40.35
1957	64.25	50.37	46.74	41.75	40.67
1958	68.62	53.01	49.50	43.15	43.80
1959	70.21	54.36	50.02	44.39	42.92
1960	72.88	56.61	49.47	43.56	42.79
1961	74.53	58.34	50.60	45.78	45.33
1962	73.95	57.75	50.28	46.49	47.14
1963	76.10	59.84	52.33	49.03	49.43
1964	75.61	60.32	52.18	48.30	50.56
1965	77.09	62.40	54.47	49.37	52.47
1966	79.46	63.88	55.50	51.03	52.81
1967	81.91	64.61	55.90	51.51	52.49
1968	87.34	68.10	57.54	52.48	54.17
1969	94.24	72.94	58.22	53.33	54.24
1970	100.14	72.57	60.20	54.44	54.79
1971	115.43	77.46	64.67	58.59	59.41
1972	116.67	83.70	68.63	61.15	62.99
1973	118.17	85.89	69.38	62.45	62.75
1974	118.61	88.09	71.57	64.23	63.14
1975	121.25	91.07	75.82	67.64	65.18
1976	129.42	90.44	78.06	69.94	68.18
1977	130.98	94.38	77.46	73.09	67.99
1978	131.27	93.62	77.42	75.16	68.56
1979	130.60	91.55	76.64	72.01	67.66
1980	23.57	89.60	77.86	72.25	65.60
1981	118.18	92.79	80.04	73.93	66.61
1982	119.02	96.95	82.88	76.62	69.86
1983	127.99	98.05	85.00	77.61	72.72
1984	130.14	104.99	86.80	78.80	74.43
1985	134.45	107.72	88.88	81.29	75.51

Percent change

1946-

85 186.8% 193.12% 145.1% 136.8% 124.3%

Percent change

1979-

85 +4.5% 17.7% 16.0% 12.9% 11.6%

"City police expenditures: 1946-1985" (data tape compiled from annual U.S. Census Bureau surveys of governmental finance; tape available from the National Criminal Justice Data Archive, Inter-university Consortium for Political and Social Science, University of Michigan), Ruth Tripplet, Sue Lindgren, Colin Loftin, Brian Wiersema, Institute of Criminal Justice, University of Maryland, 1987.

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What factors are related to per capita spending?**The Northeast and West lead the Nation in justice costs per capita**

Fiscal 1985

State	State and local expenditures per capita
Alabama	\$113.41
Alaska	592.04
Arizona	205.93
Arkansas	86.63
California	224.78
Colorado	172.03
Connecticut	164.79
Delaware	186.28
Florida	175.38
Georgia	131.42
Hawaii	191.66
Idaho	104.80
Illinois	170.93
Indiana	101.40
Iowa	105.91
Kansas	125.66
Kentucky	104.86
Louisiana	153.59
Maine	96.21
Maryland	191.17
Massachusetts	172.61
Michigan	173.28
Minnesota	140.86
Mississippi	82.16
Missouri	124.41
Montana	128.78
Nebraska	115.40
New Hampshire	126.42
New Jersey	207.67
New Mexico	184.63
New York	293.19
Nevada	244.01
North Carolina	129.29
North Dakota	93.88
Ohio	121.15
Oklahoma	118.36
Oregon	154.94
Pennsylvania	137.30
Rhode Island	152.10
South Carolina	116.86
South Dakota	100.84
Texas	136.41
Tennessee	113.41
Utah	135.01
Virginia	149.90
Vermont	126.09
Washington	160.14
West Virginia	82.18
Wisconsin	151.13
Wyoming	199.43

States with high crime rates tend to have high expenditures for criminal and civil justice

Fiscal 1985

State	State and local expenditures per capita	UCR Index crime rate
New York	293.19	5588.5
Nevada	244.01	6574.6
California	224.78	6518.0
New Jersey	207.67	5094.4
Arizona	205.93	7116.2
Wyoming	199.43	4015.1
Hawaii	191.66	5200.6
Maryland	191.17	5372.8
Delaware	186.28	4961.3
New Mexico	184.63	6486.2
Florida	175.38	7574.2
Michigan	173.28	6366.3
Massachusetts	172.61	4757.8
Colorado	172.03	6919.1
Illinois	170.93	5299.7
Connecticut	164.79	4704.8
Washington	160.14	6528.8
Oregon	154.94	6729.8
Louisiana	153.59	5563.6
Rhode Island	152.10	4723.5
Wisconsin	151.13	4016.7
Virginia	149.90	3779.1
Minnesota	140.86	4134.2
Pennsylvania	137.30	3037.4
Texas	136.41	6568.7
Utah	135.01	5317.3
Georgia	131.42	5110.1
North Carolina	129.29	4121.4
Montana	128.78	4549.3
New Hampshire	126.42	3251.9
Vermont	126.09	3888.0
Kansas	125.66	4375.1
Missouri	124.41	4366.0
Ohio	121.15	4187.0
Oklahoma	118.36	5425.0
South Carolina	116.86	4840.5
Nebraska	115.40	3694.6
Alabama	113.41	3942.1
Tennessee	113.41	4166.7
Iowa	105.91	3942.9
Kentucky	104.86	2947.2
Idaho	104.80	3908.1
Indiana	101.40	3914.1
South Dakota	100.84	2640.8
Maine	96.21	3671.7
North Dakota	93.88	2679.4
Arkansas	86.63	3585.0
West Virginia	82.18	2252.8
Mississippi	82.16	3265.7

Note: Alaska, with a per capita expenditure of \$592 and a crime rate of 5,877, is not displayed.

Sources: Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987, and FBI Crime in the U.S., 1985, table 5.

Per capita justice costs vary by State from less than \$100 to as much as \$592**Justice expenditure and employment, 1985, BJS Bulletin, NCJ-104460, March 1987, table 9.**

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What do justice dollars buy?**Different criminal cases vary greatly in cost**

The price of justice: The cost of arresting and prosecuting three robbery cases in Manhattan, Criminal Justice Coordinating Council, City of New York, 1981.

Justice dollars are used to compensate victims, to investigate crimes, and to apprehend, try, and punish offenders

Note: Entries here match the stubs of the table. Entries from a single source are sometimes grouped to avoid excessively repeating a source note and hence do not exactly match the order in the table.

Victim compensation

Average maximum awards (1981)
 "New roads to justice: Compensating the victim," Mindy Gaynes, State legislatures (1981), 7:11-17. (Note: Average computed from data in source.)

Average awards (1980)
 "Crime victim compensation: A survey of State programs," Gerald F. Ranker and Martin S. Meagher, Federal Probation Quarterly, Adminis' ve Office of the United States Courts, March 1982.

Source: Justice expenditure and employment, 1985 BJS Bulletin, NCJ-104460, March 1987.

Investigative and court costs

Average cost for State or Federal wiretaps (1986)

Report on applications for orders authorizing or approving the interception of wire or oral communications for the period January 1, 1986 to December 31, 1986, Administrative Office of U.S. Courts (Washington: USGPO, April 1987), p. 4. (Note: This is the average total cost of intercepts terminating during the reference period.)

Average annual cost to protect a Federal witness (fiscal 1986) U.S. Marshals Service: June 15, 1987. Memorandum from Howard Safir, Assistant Director for Operations.

Daily payment for juror (1986) National Center for State Courts Reports, Williamsburg, Va., February 1987.

Average court cost per case-related minute (fiscal 1982)

Costs of the civil justice system: Court expenditures for processing tort cases, James S. Kakalik and Abby Eisenshtat Robyn (Santa Monica: The RAND Corporation, 1982), p. xiv.

Cost to arrest, prosecute, and try a robbery case in New York City (1981) The price of justice: The cost of arresting and prosecuting three robbery cases in Manhattan, Criminal Justice Coordinating Council, City of New York, 1981.

Most frequent assigned counsel hourly rate (1982); Average defense cost per indigent defense case (1982) BJS National criminal defense systems study: Final report, Robert L. Spangenberg, Beverly Lee, Michael Battaglia, Patricia Smith, and A. David Davis of Abt Associates, Inc., NCJ-94702, October 1986, pp. 19, 29.

Corrections operations

Average annual cost for one adult offender

(Note: All of these costs are computed as if they were for one offender who stayed in the type of institution for the indicated year. They do not represent the cost to treat an average offender in the type of facility, which would be different

because of different lengths of stay; for example, one offender may stay in prison for several years, while another may stay in jail or a community facility only a few months.)

—in a Federal prison (fiscal 1986) U.S. Department of Justice, Bureau of Prisons, Public Information Office. Average daily cost per inmate multiplied by 365.

—in a State prison (1984)

—in a State-operated, community-based facility (1984)

BJS 1984 Census of adult correctional facilities, NCJ-105585, August 1987, tables 6 and 31.

—in a local jail (1983)

The 1983 jail census, BJS Bulletin, NCJ-95536, November 1984, table 16.

—on Federal probation or parole (fiscal 1986)

Telephone conversation, June 5, 1987 with Joe Bobek, Administrative Office of the United States Courts: The Probation Division of the office uses 10% of incarceration costs as the estimate for probation and parole.

—on State probation and parole (fiscal 1985)

Corrections yearbook: Instant answers to key questions in corrections, George and Camille Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), pp. 31, 73.

Average cost to house one resident for a year in a public juvenile facility (1985)

Children in custody: Public juvenile facilities, 1985, NCJ-102457, October 1986, table 10.

Average daily cost to Federal Government to house an unsentenced Federal prisoner in a local jail (fiscal 1986)

U.S. Marshals Service: Memorandum from Howard Safir, Assistant Director of Operations, June 15, 1987.

Average daily cost to Federal Government to house a sentenced prisoner in a local jail or community treatment center (fiscal 1986) U.S. Department of Justice, Bureau of Prisons, Public Information Office.

Average hourly wage for inmates in prison industry (1986)

Corrections yearbook, 1986, p. 27.

What are the operating costs of correctional sanctions?

BJS 1984 Census of State Adult Correctional Facilities, NCJ-105585, forthcoming, tables 6 and 31.

The corrections yearbook: Instant answers to key questions in corrections, George M. and Camille Graham Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), pp. 31, 73.

Savings from housing offenders in the community rather than in confinement can be misleading

The cost of prosecuting repeat felony offenders, L.T. Cannon, et al., Salt Lake County Attorney's Office, March 1986.

Justice dollars also are used for buildings and equipment

Note: Entries here match the stubs of the tables on these pages. Entries from a single source are sometimes grouped to avoid excessively repeating a source note and hence do not exactly match the order in the table.

Buildings and equipment

Average construction cost per bed in a —maximum security prison (fiscal 1985)

—medium security prison (fiscal 1985)
—minimum security prison (fiscal 1985)

—juvenile facility (fiscal 1985)

Corrections yearbook, 1986, p. 23, 53.

—constitutional jail (1982)

The costs of constitutional jails, U.S. Department of Justice, National Institute of Corrections (Washington: USGPO, 1982), p. 7.

Average remodeling cost to add a bed in a prison (fiscal 1985)

The corrections yearbook: Instant answers to key questions in corrections, George M. and Camille Graham Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), p. 19.

Typical courthouse construction cost per square foot (1982)

Walter H. Sobel, F.A.I.A. and Associates, Chicago, Ill. Survey conducted of the following architectural firms: Geigley, McElveen, Kennedy, Columbia, S.C.; Rasmussen Hobbs, Tacoma, Wash.; Ayers/Saint, Baltimore, Md.; Basco (formerly Buchart Architects), Lancaster, Pa.; Prindle, Patrick, and Associates, Inc., Clearwater, Fla.; Mark Beck Associates, Baltimore, Md.; HCK, Washington; D.C., Tucker, Sadler and Associates, San Diego, Calif.; LBC & W, Falls Church, Va. Data for this item is displayed under How much does it cost to build a new courthouse?

Average purchase price for a police car (fiscal 1981, 25 responding jurisdictions)

Average cost to equip a new police car (fiscal 1981, 9-14 responding jurisdictions)

Average cost to maintain and operate a police car (fiscal 1981, 20-27 responding jurisdictions)

Average resale value of a police car (fiscal 1981)

National Association of Criminal Justice Planners, "Survey of selected jurisdictions," unpublished, 1982.

Widely divergent estimates of the construction cost per prison bed are found in various studies, reports, and media accounts

The corrections yearbook: instant answers to key questions in corrections, George M. and Camille Graham Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), p. 23.

What are the costs of jail construction?

This estimate was made to assist local officials in planning for the construction of jails that meet emerging national jail standards and thus would be less likely to encounter suits alleging violation of prisoners' constitutional rights. (The costs of constitutional jails, National Institute of Corrections, U.S. Department of Justice (Washington: USGPO, 1982.))

How much does it cost to build a new courthouse?

Construction cost and related data for 9 recently completed courthouses

Location	New construction					Renovations and additions			
	Fairfax, Virginia	Manassas, Virginia	Columbia, South Carolina	Clearwater, Florida	Chula Vista, California	Bel Air, Maryland	Lancaster, Pennsylvania	Baltimore, Maryland	Tacoma, Washington
Architects	HOK	LBC and W	GMK	P and P	T and S	Ayers/Saint	Buchar ^a	M. Beck	R and H
Type of court jurisdiction	General	General	General	General	General	General	General	Federal	Limited
Type of construction	New	New	New	New	New	Renovation/addition	Addition	Complete shell	Renovation
Gross area (square feet)	236,000	124,000	409,000 ^a	130,500	270,965	79,964	247,131 ^b	20,867	15,552
Bid date	1/79	5/82	11/77	8/80	3/79	2/80	7/75	11/81	11/80
Construction contract	\$15,231,000 ^c	\$7,573,000 ^c	\$11,725,000 ^c	\$7,100,000 ^c	\$35,000,000 ^{cd}	\$8,870,000	\$8,767,324 ^e	\$1,234,000	\$556,248
Cost per gross square foot	\$64.50	61.00	^a	\$54.41	^f	\$67.00/ \$123.00 ^b	\$35.48	\$54.34	\$36.41
Percent distribution of space									
Court rooms and judges' chambers	56%	28%	28%	37%	16%	54%	29%	100%	33%
Administration and support	30%	56%	45%	58%	31% ^g	26%	38%	0	60%
Parking, storage, mechanical	14%	16%	27%	6%	24%	20%	33%	0	7%
Detention	0	0	0	0	29%	0	0	0	0
Number of courtrooms									
Completed	21	10	13	8	8	5	6	3	3
Shelled for future	7	0	0	0	8	3	0 ^e	0	0
Number of hearing rooms	0	0	0	1	2 ^h	0	0	0	0

^aIncludes 190,000 square feet of underground parking garage, making square foot cost noncomparable to others.

^bIncludes 45,000 square feet of underground parking garage, making square foot cost noncomparable to others.

^cIncluding site work.

^dIncludes a jail.

^eOne floor left unfinished—number of future courtrooms undetermined.

^fTotal cost includes purchase of land, making square foot cost noncomparable to others.

^gCentral plant building separate.

^hPlus two shelled for future.

Source: Walter H. Sobel, F.A.I.A. and Associates, Judicial/Legal Consultants, Chicago, Illinois, 1982 pro bono survey of the indicated architectural firms (unpublished) for DJS.

Corrections officials are exploring ways to cut the high cost of prison and jail construction

Charles B. DeWitt, New construction methods for correctional facilities, NCJ-100121, NIJ Construction Bulletins, National Institute of Justice, U.S. Department of Justice, March 1986.

Charles B. DeWitt, Florida sets example with use of concrete modules, NCJ-100125, NIJ Construction Bulletins, National Institute of Justice, U.S. Department of Justice, March 1986.

The purchase price for a police car ranged from \$6,700 to \$9,500 in 25 jurisdictions

National Association of Criminal Justice Planners, survey of selected jurisdictions, unpublished, 1982.

Some police investigation and court costs are not well known

National Association of Criminal Justice Planners, survey of selected jurisdictions, unpublished, 1982.

National Center for State Courts Reports, Williamsburg, Va., February 1987.

Memorandum from Howard Safir, Assistant Director for Operations, U.S. Marshalls Service, Jan. 15, 1987.

Close to three-fourths of State and local justice dollars go for payroll

BJS Justice Expenditure and Employment in the U.S., 1985, NCJ-106356, forthcoming.

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal defense systems study, final report, NCJ-94702, October 1986.

BJS Justice expenditure and employment in the U.S., 1985, NCJ-106356, forthcoming.

Estimation procedures for October 1984 payroll

Two sections of Chapter V use October payroll data to estimate the amount of total spending to pay wages and salaries. The criminal justice expenditure and employment surveys collect the most recent October payroll data at the time the survey is conducted; however, this October does not fall into the same fiscal year as the expenditure data being collected, but in the next fiscal year. For example, the 1985 CJEE survey collected October 1985 payroll data and expenditure data for fiscal 1985 (generally July 1, 1984 - June 30, 1985).

Because the CJEE was not conducted for 1984, October 1984 payroll data are not available from that source. It was necessary to estimate the October 1984 payroll in the analysis of the proportion of 1985 justice expenditures because using the

October 1985 payroll data would inflate the proportion going for salaries because it is assumed that they would be higher than October 1984 data.

The October 1984 data were estimated by assuming that the same relationship would exist between 1984 and 1985 CJEE payroll data as was observed in the 1984 and 1985 annual government employment survey. That survey has only the categories of police protection, all judicial, and corrections. The all judicial category data were used to estimate separately the CJEE categories of "courts," "prosecution and legal services," and "public defense." The sum of the three employment survey categories was used to estimate the CJEE "other" category. The computations and results are shown below.

Estimating October 1984 payrolls

Employment survey	Actual 1985	Actual 1984	1984/1985	CJEE	Actual 1985	Estimated 1984
Police	\$1,328,037	1,236,482	.9310599	Police	1,358,189	\$1,264,555
All judicial	483,874	434,660	.8982917	Courts	323,023	290,169
Correction	639,113	556,635	.870949	Prosecution	164,927	148,153
Total	2,451,024	2,227,777	.9089168	Public defense	25,913	23,277
				Correction	694,675	605,027
				Other	10,177	9,250

The 1984 data were estimated for CJEE by multiplying the actual 1985 CJEE by the proportion given in the column labeled "1984/1985."

Estimating annual 1984 payroll

	Total expenditure	Payroll		Percent of total
		October	Annual	
All criminal justice				
direct State and local	39,923,301	2,340,431	28,085,172	70.3%
Police	19,246,080	1,264,555	15,174,660	78.8
Total judicial*	8,071,495	461,599	5,539,188	68.6
Courts only	4,928,068	290,169	3,482,028	70.7
Prosecutions	2,432,184	148,153	1,777,836	73.1
Public defense	711,243	23,277	279,324	39.3
Correction	12,327,568	605,027	7,260,324	58.9
Other	278,158	9,250	111,000	39.9

*Includes courts, prosecutors, public defense.

Column 1. From table 2, 1985 CJEE (add State and local total direct).

Column 2. From technical appendix.

Column 3. Column 2 x 12.

Column 4. Column 3/Column 1.

Salaries for police and correctional officers are generally the lowest

Robert L. Spangenberg et al. of Abt Associates, Inc., BJS National criminal justice defense systems study, final report, NCJ-94702, October 1986.

Justice dollars pay personnel costs

Note: Entries here match the stubs of the tables on these pages. To avoid excessively repeating a source note, entries from a single source are sometimes grouped, and hence do not exactly match the order in the table.

Average annual salary

Law enforcement officers

City police officer (cities 10,000 or more population, January 1, 1985) "Police, fire, and refuse collection and disposal departments: Personnel, compensation and expenditures," International City Managers Association, Washington, D.C. Baseline Data Report (1986), 18(5).

City police chief (July 1, 1986) Current salaries, Special data issues, No. 1, International City Managers Association, per Eva Lena Molder.

State trooper (July 1, 1985, average salary computed from source.) "Alphabetical listing of highway patrol and State police starting and top pay," National Coalition of Troopers, July 1985.

U.S. Border Patrol agent
Deputy U.S. Marshal
U.S. Immigration inspector
U.S. Immigration agent
Federal drug agent
Employment in key occupations as of September 30, 1986. Justice Employee Data Services, U.S. Department of Justice, Washington, D.C.

FBI agent (September 30, 1986) Telephone conversation with Al Robertson, Budget and Finance.

Prosecutors

Federal prosecutor
Employment in key occupations as of September 30, 1986. Justice

Employee Data Services, U.S. Department of Justice, Washington, D.C.

Defenders

Federal defender (June 1987) Telephone conversation with Joe Bobek, Administrative Office of the United States Courts, June 5, 1987.

Court personnel

State court administrator
State general jurisdiction trial court judge
State intermediate appellate court justice
State associate supreme court judge
State supreme court justice (Average maximum salary May 31, 1986, computed from data in source, excluding "subsistence allowance") Survey of judicial salaries. National Center for State Courts, Williamsburg, Va.: National Center for State Courts, May 1986, pp. 2-5.

U.S. Magistrate
U.S. Bankruptcy Court Judge
U.S. Court of Claims Judge
U.S. Court of International Trade Judge
U.S. district court judge
U.S. circuit court judge
U.S. Supreme Court Associate Justice
U.S. Supreme Court Chief Justice (Salaries as of March 1987) Telephone conversation with David Cook, Statistical Analysis and Reports Division, Administrative Office of the United States Courts, April 1987.

Corrections officers (adult facilities)

Local jail officer (entry level) (1986, computed from data for 48 large jails in source). The corrections yearbook: Instant answers to key questions in corrections, George M. and Camille Graham Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), p. 64.

State correctional personnel (January 1, 1986) (Average for officers computed from data in source for 48 States; for State director of corrections, average reported in source including the Federal system.) The corrections yearbook: Instant answers to key questions in

corrections, George M. and Camille Graham Camp (Pound Ridge, N.Y.: Criminal Justice Institute, 1986), pp. 37, 41-42.

Federal correctional officer
Employment in key occupations as of September 30, 1986, Justice Employee Data Services, U.S. Department of Justice, Washington, D.C.

Probation and parole officers (adult clientele)

State probation and parole personnel (January 1, 1986) (Medians as presented in source for varying numbers of responding jurisdictions: entry level probation officer, 28; entry level parole officer, 28; chief probation officer, 27; chief parole officer, 25; parole board member, 16; parole board chairman, 19. In certain States, parole board members and chairmen are paid yearly "rates" or "per diems," not included here.)

Vital statistics in corrections, American Correctional Association, College Park, Maryland, p. 17.

Federal probation personnel (January 1, 1987) Rose Schachner, Probation Division, Administrative Office of the United States Courts. Note: Federal probation officers also supervise Federal parolees. For beginning probation officers with a college degree and no experience the entry level is \$22,458.

Federal parole personnel (1987) Lois Fennel, Administrative Office, U.S. Parole Commission.

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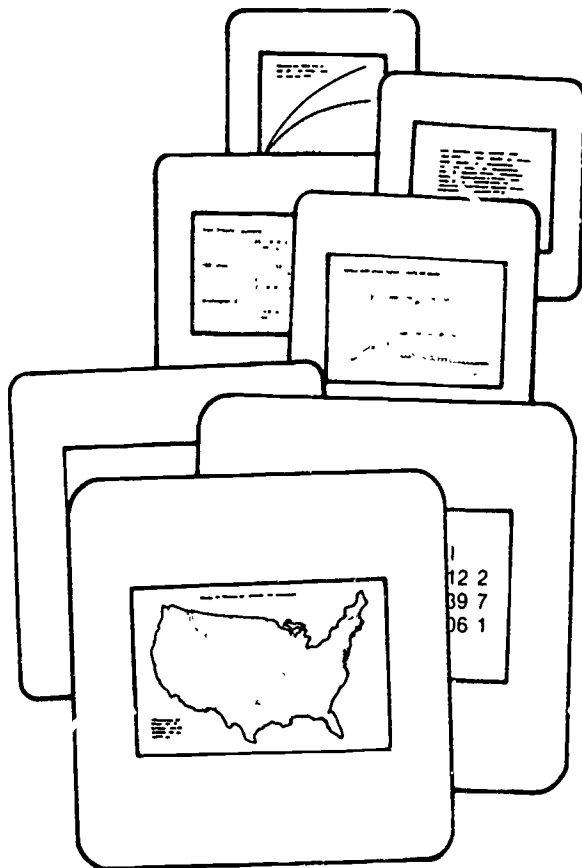
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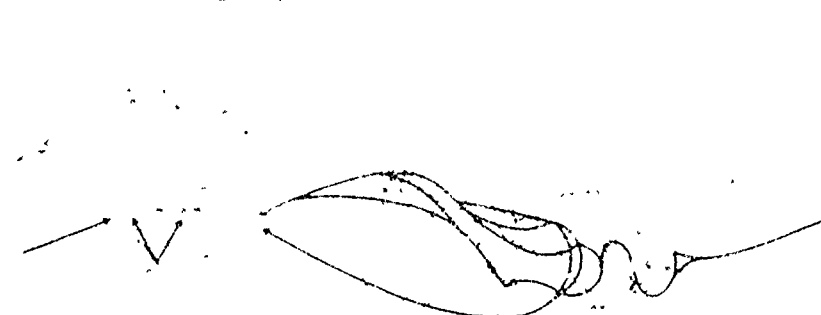
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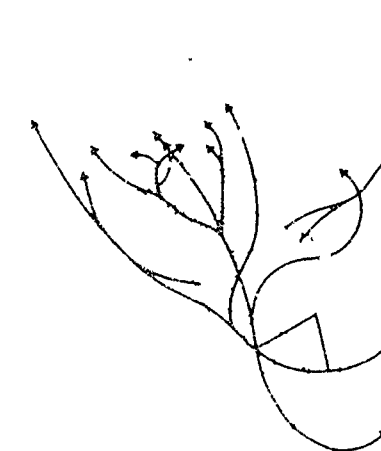
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